E/2014/30
E/CN.15/2014/20

United Nations

# Commission on Crime Prevention and Criminal Justice

## Report on the twenty-third session (13 December 2013 and 12-16 May 2014)

**Economic and Social Council**
**Official Records, 2014**
**Supplement No. 10**

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United Nations • New York, 2014

*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The report of the Commission on Crime Prevention and Criminal Justice on its reconvened twenty-third session, to be held on 4 and 5 December 2014, will be issued as *Official Records of the Economic and Social Council, 2014, Supplement No. 10A* (E/2014/30/Add.1).

ISSN 0257-0653

# Contents


| *Chapter* | | *Page* |
|---|---|---|
| I. | Matters calling for action by the Economic and Social Council or brought to its attention | 1 |
| A. | Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly | 1 |
| I. | Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice | 1 |
| II. | Standard Minimum Rules for the Treatment of Prisoners | 4 |
| III. | International cooperation in criminal matters | 9 |
| IV. | United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice | 13 |
| V. | Rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015 | 44 |
| VI. | International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences | 48 |
| B. | Draft resolutions for adoption by the Economic and Social Council | 59 |
| I. | Strengthening social policies as a tool for crime prevention | 59 |
| II. | Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and the post-2015 development agenda | 61 |
| III. | Strengthening international cooperation in addressing the smuggling of migrants | 62 |
| C. | Draft decisions for adoption by the Economic and Social Council | 67 |
| I. | Report of the Commission on Crime Prevention and Criminal Justice on its twenty-third session and provisional agenda for its twenty-fourth session | 67 |
| II. | Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute | 68 |
| D. | Matters brought to the attention of the Economic and Social Council | 68 |
| Resolution 23/1 | Strengthening a targeted crime prevention and criminal justice response to combat illicit trafficking in forest products, including timber | 68 |
| Resolution 23/2 | Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal | 72 |
| Resolution 23/3 | Strengthening the development and implementation of the goAML system as a useful tool in implementing the United Nations crime prevention and criminal justice programme | 74 |
| Decision 23/1 | Report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute | 76 |

II. Strategic management, budgetary and administrative questions ... 77
Deliberations ... 78
III. Thematic discussion on international cooperation in criminal matters ... 80
A. Summary by the Chair ... 81
B. Workshop on international cooperation in criminal matters ... 82
IV. Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice ... 83
A. Deliberations ... 84
B. Action taken by the Commission ... 86
V. Use and application of United Nations standards and norms in crime prevention and criminal justice ... 89
A. Deliberations ... 89
B. Action taken by the Commission ... 90
VI. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice ... 92
A. Deliberations ... 92
B. Action taken by the Commission ... 94
VII. Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice ... 95
A. Deliberations ... 96
B. Action taken by the Commission ... 96
VIII. Provisional agenda for the twenty-fourth session of the Commission ... 98
A. Deliberations ... 98
B. Action taken by the Commission ... 98
IX. Other business ... 99
X. Adoption of the report of the Commission on its twenty-third session ... 100
XI. Organization of the session ... 101
A. Informal pre-session consultations ... 101
B. Opening and duration of the session ... 101
C. Attendance ... 101
D. Election of officers ... 102
E. Adoption of the agenda and organization of work ... 102
F. Documentation ... 103
G. Closure of the current part of the session ... 103

# Chapter I

## Matters calling for action by the Economic and Social Council or brought to its attention

### A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

**Draft resolution I**

### Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

*The General Assembly*,

*Emphasizing* the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

*Acknowledging* that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

*Recognizing* the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines,

*Recognizing also* the efforts already made by the Government of Qatar to prepare for the hosting of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, including its generous contribution to support the capacity of the Secretariat to ensure effective preparations for the Thirteenth Congress,

*Recalling* its resolution 56/119 of 19 December 2001, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to

paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,[1] should be held,

*Recalling also* its resolution 65/230 of 21 December 2010 and its resolutions 66/179 of 19 December 2011, 67/184 of 20 December 2012 and 68/185 of 18 December 2013, on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

*Recalling further*, in particular, that in its resolution 68/185 it decided to hold the Thirteenth Congress in Doha from 12 to 19 April 2015, with pre-Congress consultations to be held on 11 April 2015,

*Mindful* that in its resolution 68/185 it also decided that the high-level segment of the Thirteenth Congress would be held during the first two days of the Congress in order to allow Heads of State or Government and government ministers to focus on the main theme of the Congress[2] and to enhance the possibility of generating useful feedback,[3]

*Mindful also* that in its resolution 68/185 it further decided that, in accordance with its resolution 56/119 of 19 December 2001, the Thirteenth Congress would adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration would contain the major recommendations reflecting and emerging from the deliberations of the high-level segment, as well as the discussion of the agenda items and the workshops,

1. *Reiterates its invitation* to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World[4] and the recommendations adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice when formulating legislation and policy directives, and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

2. *Reiterates its invitation* to Governments and relevant intergovernmental and non-governmental organizations to inform the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice about their activities aimed at the implementation of the Salvador Declaration and the recommendations adopted by the Twelfth Congress, with a view to providing guidance on the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and to that end requests the Secretary-General to prepare a report on the subject, to be submitted to the Congress for its consideration;

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[1] General Assembly resolution 46/152, annex.

[2] "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation".

[3] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30 and Corr.1 and 2), para. 84.

[4] General Assembly resolution 65/230, annex.

3. *Notes with appreciation* the progress made thus far in the preparations for the Thirteenth Congress;

4. *Takes note with appreciation* of the report of the Secretary-General;[5]

5. *Also takes note with appreciation* of the discussion guide prepared by the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, for the regional preparatory meetings for the Thirteenth Congress;[6]

6. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Thirteenth Congress and made action-oriented recommendations,[7] to serve as a basis for the draft declaration to be adopted by the Thirteenth Congress;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to begin, in accordance with General Assembly resolution 68/185, the preparation of a short and concise draft declaration reflecting the theme of the Congress, at intersessional meetings to be held well in advance of the Thirteenth Congress, taking into account the recommendations of the regional preparatory meetings and consultations with relevant organizations and entities;

8. *Emphasizes* the importance of the workshops to be held during the Thirteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

9. *Reiterates its invitation* to donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on their respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

10. *Reiterates its request* to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Thirteenth Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Thirteenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

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[5] E/CN.15/2014/6.

[6] A/CONF.222/PM.1.

[7] See A/CONF.222/RPM.1/1, A/CONF.222/RPM.2/1, A/CONF.222/RPM.3/1 and A/CONF.222/RPM.4/1.

12. *Reiterates its invitation* to Member States to be represented at the Thirteenth Congress at the highest appropriate level, for example by Heads of State or Government or government ministers and attorneys general, to make statements in the high-level segment on the theme and substantive items of the Congress and to participate actively in its proceedings by sending legal and policy experts with special training and practical experience in crime prevention and criminal justice;

13. *Reiterates its request* to the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Also reiterates its request* to the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

15. *Welcomes* the plan for the documentation of the Thirteenth Congress, prepared by the Secretary-General in consultation with the extended Bureau of the Commission on Crime Prevention and Criminal Justice;[8]

16. *Also welcomes* the appointment by the Secretary-General of a secretary-general and an executive secretary of the Thirteenth Congress, who will perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Thirteenth Congress, in accordance with past practice;

18. *Requests* the Commission on Crime Prevention and Criminal Justice to give high priority at its twenty-fourth session to considering the declaration of the Thirteenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its seventieth session;

19. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon, through the Commission, to the General Assembly at its seventieth session.

**Draft resolution II**

## Standard Minimum Rules for the Treatment of P isoners

*The General Assembly*,

*Guided* by the principal purposes of the United Nations, as set out in the preamble to the Charter of the United Nations and the Universal Declaration of Human Rights,[9] and inspired by the determination to reaffirm faith in fundamental

[8] E/CN.15/2014/6, sect. II.C.

[9] General Assembly resolution 217 A (III).

human rights, in the dignity and worth of the human person, without distinction of any kind, and in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom,

*Bearing in mind* the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

*Aware* that the Standard Minimum Rules for the Treatment of Prisoners[10] remain the universally acknowledged minimum standards for the detention of prisoners and that they have been of value and influence in the development of correctional laws, policies and practices since their adoption by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1955,

*Mindful* that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[11] Member States recognized that an effective, fair, accountable and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime, and acknowledged the value and impact of the United Nations standards and norms in crime prevention and criminal justice in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

*Taking into account* the progressive development of international standards pertaining to the treatment of prisoners since 1955, including in international instruments such as the International Covenant on Civil and Political Rights,[12] the International Covenant on Economic, Social and Cultural Rights[12] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[13] and the Optional Protocol thereto,[14] and other relevant United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, namely, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[15] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[16] the Code of Conduct for Law Enforcement Officials,[17] the Basic Principles for the Treatment of Prisoners,[18] the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[19] the United Nations Standard

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[10] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[11] General Assembly resolution 65/230, annex.

[12] General Assembly resolution 2200 A (XXI), annex.

[13] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[14] Ibid., vol. 2375, No. 24841.

[15] Economic and Social Council resolution 1984/47, annex.

[16] General Assembly resolution 43/173, annex.

[17] General Assembly resolution 34/169, annex.

[18] General Assembly resolution 45/111, annex.

[19] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[20] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[21] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[22] the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[23] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[24] and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[25]

*Mindful* of its resolution 67/166 of 20 December 2012, on human rights in the administration of justice, in which it recognized the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, and in which the Assembly took note of general comment No. 21 on the humane treatment of prisoners deprived of their liberty, adopted by the Human Rights Committee,[26] as well as Human Rights Council resolution 24/12 of 26 September 2013, in which the Council noted the work of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should reflect recent advances in correctional science and best practices,

*Recalling* its resolution 65/230 of 21 December 2010, in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the Expert Group to report to the Commission on progress in its work,

*Recalling also* its resolutions 67/188 of 20 December 2012 and 68/190 of 18 December 2013, entitled "Standard Minimum Rules for the Treatment of Prisoners", as well as its resolution 68/156 of 18 December 2013, entitled "Torture and other cruel, inhuman or degrading treatment or punishment", in particular its operative paragraph 38,

*Recalling further* that, in its resolution 67/184 of 20 December 2012, on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, it decided that one of the workshops to be held within the framework of the Thirteenth Congress would be devoted to the topic

[20] General Assembly resolution 40/33, annex.
[21] General Assembly resolution 45/113, annex.
[22] General Assembly resolution 45/112, annex.
[23] General Assembly resolution 45/110, annex.
[24] General Assembly resolution 65/229, annex.
[25] General Assembly resolution 67/187, annex, including principles on persons who are arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty.
[26] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

"Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders",

1. *Notes with appreciation* the further progress made during the third meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014;[27]

2. *Expresses its gratitude* to the Government of Brazil for its financial support for the third meeting of the Expert Group;

3. *Acknowledges* the work done by the Expert Group at its previous meetings, held in Vienna from 31 January to 2 February 2012 and Buenos Aires from 11 to 13 December 2012;[28]

4. *Also acknowledges* the work accomplished by the Secretariat in preparing the relevant documentation, in particular the working paper for the third meeting,[29] as well as the determined progress achieved at the meetings of the Expert Group in reviewing the Standard Minimum Rules for the Treatment of Prisoners;[10]

5. *Expresses appreciation* for the important submissions and suggestions of Member States pursuant to the request to exchange information on best practices and on the revision of the existing Standard Minimum Rules, as reflected in the working paper submitted to the Expert Group at its third meeting;

6. *Reiterates* that any changes to the Standard Minimum Rules should not lower any of the existing standards, but should reflect the recent advances in correctional science and good practices so as to promote safety, security and humane conditions for prisoners;

7. *Recognizes* the need for the Expert Group to continue to take into account the social, legal and cultural specificities, as well as human rights obligations, of Member States;

8. *Notes* that the revision process should maintain the existing scope of application of the Standard Minimum Rules for the Treatment of Prisoners;

9. *Acknowledges with appreciation* the important contributions received from the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment,[30] the Office of the United Nations High Commissioner for Human Rights and the Committee on the Rights of Persons with Disabilities, as well as other submissions received for consideration from a number of intergovernmental and non-governmental organizations, and invites them, in this regard, to continue to be actively involved in the Expert Group process, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council;

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[27] See E/CN.15/2014/19 and Corr.1.
[28] See E/CN.15/2012/18 and E/CN.15/2013/23.
[29] UNODC/CCPCJ/EG.6/2014/CRP.1.
[30] A/68/295.

10. *Acknowledges* that the revision of the Standard Minimum Rules is a time-intensive exercise of crucial importance, emphasizes that efforts should be made to finalize the revision process, building on the recommendations made in the three meetings of the Expert Group and the submissions of Member States, for consideration at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, and also emphasizes that the concern for a speedy process should not compromise the quality of the outcome;

11. *Decides* to extend the mandate of the open-ended intergovernmental Expert Group, authorizing it to continue its work, with the aim of reaching a consensus, and to present a report to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, for the information of the workshop on the role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems, and to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session for consideration, and requests the Secretary-General to ensure that the required services and support are provided;

12. *Invites* the bureau of the third meeting of the Expert Group to continue to be involved in the revision of the rules by preparing, with the assistance of the Secretariat, a revised consolidated working paper, in all official languages of the United Nations, consisting of the draft revised rules, which should reflect the progress achieved so far, including the recommendations made by the Expert Group at its meetings in Buenos Aires in 2012[31] and Vienna in 2014,[32] taking also into account proposals for revision put forward by Member States in relation to the areas and rules identified by the General Assembly in operative paragraph 6 of its resolution 67/188, for submission to and consideration by the next meeting of the Expert Group;

13. *Expresses its gratitude* to the Government of South Africa for its intention to host the next meeting of the Expert Group, and welcomes any support, in particular financial support, that other interested countries and organizations may wish to provide;

14. *Invites* Member States to actively participate in the next meeting of the Expert Group and to include in their delegations persons with a variety of expertise from relevant disciplines;

15. *Encourages* Member States to improve conditions in detention, consistent with the principles of the Standard Minimum Rules and all other relevant and applicable international standards and norms, to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, to identify challenges faced in implementing the Rules and share their experiences in dealing with those challenges, and to provide relevant information in that regard to their experts participating in the Expert Group;

16. *Also encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial

[31] See E/CN.15/2013/23.
[32] See E/CN.15/2012/18 and E/CN.15/2014/19 and Corr.1.

Measures for Women Offenders (the Bangkok Rules),[24] as well as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;[21]

17. *Recommends* that Member States continue to endeavour to reduce prison overcrowding and, where appropriate, resort to non-custodial measures as alternatives to pretrial detention, to promote increased access to justice and legal defence mechanisms to reinforce alternatives to imprisonment and to support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);[23]

18. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States, on request, including assistance in crime prevention, criminal justice and law reform, and in the organization of training for law enforcement, crime prevention and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

19. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for their effective implementation;[15]

20. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

**Draft resolution III**

## International cooperation in criminal matters

*The General Assembly*,

*Recalling* the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[33] the United Nations Convention against Transnational Organized Crime and the Protocols thereto[34] and the United Nations Convention against Corruption,[35] as well as the international counter-terrorism conventions and protocols,

*Conscious* of the need to respect human dignity and to give effect to the rights conferred upon every person involved in criminal proceedings, in accordance with applicable international human rights instruments,

*Concerned* that transnational organized crime has diversified globally and represents a threat to health and safety and to the sustainable development of Member States,

[33] United Nations, *Treaty Series*, vol. 1582, No. 27627.
[34] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.
[35] Ibid., vol. 2349, No. 42146.

*Convinced* that transnational organized crime, including in its new and emerging forms, creates significant challenges for Member States and that effective responses depend on strengthened international cooperation in criminal matters,

*Emphasizing* the importance of strengthened and collaborative efforts by all Member States to ensure the creation and promotion of strategies and mechanisms in all areas of international cooperation, especially in extradition, mutual legal assistance, transfer of sentenced persons and the confiscation of proceeds of crime,

*Convinced* that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime,

*Bearing in mind* that the United Nations standards and norms in crime prevention and criminal justice provide important tools for the development of international cooperation,

*Recalling* its resolutions 45/117 of 14 December 1990, on the Model Treaty on Mutual Assistance in Criminal Matters, and 53/112 of 9 December 1998, on mutual assistance and international cooperation in criminal matters,

*Recalling also* its resolutions 45/116 of 14 December 1990, on the Model Treaty on Extradition, and 52/88 of 12 December 1997, on international cooperation in criminal matters,

*Recalling further* its resolution 45/118 of 14 December 1990, on the Model Treaty on the Transfer of Proceedings in Criminal Matters,

*Recalling* the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property,[36]

*Recalling also* the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Model Agreement on the Transfer of Foreign Prisoners[37] and the recommendations on the treatment of foreign prisoners,[38]

*Taking into consideration* the establishment of regional networks, including those established with the assistance of the United Nations Office on Drugs and Crime, such as the Central American Network of Prosecutors against Organized Crime and the Network of West African Central Authorities and Prosecutors, whose prime objective is to strengthen regional and international cooperation in criminal matters, facilitating cooperation in ongoing cases and the delivery of related legal and technical assistance,

*Noting with satisfaction* the contributions of the United Nations congresses on crime prevention and criminal justice in promoting international cooperation by facilitating, inter alia, the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations,

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[36] Economic and Social Council resolution 2005/14, annex.

[37] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

[38] Ibid., annex II.

non-governmental organizations and individual experts representing various professions and disciplines,

1. *Encourages* Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas, such as witness testimony by videoconference, where applicable, and the exchange of digital evidence;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[33] the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[34] the United Nations Convention against Corruption[35] and the international counter-terrorism conventions and protocols, and calls upon Member States, where necessary, to incorporate the provisions of those instruments into their national legislation;

3. *Calls upon* Member States to apply the principle of "extradite or prosecute" contained in bilateral and regional agreements, as well as in the 1988 Convention, the Organized Crime Convention and the Protocols thereto, the Convention against Corruption and the international counter-terrorism conventions and protocols;

4. *Encourages* Member States, in accordance with their national laws, to afford one another, where feasible, mutual legal assistance in civil and administrative proceedings in relation to the offences for which cooperation is afforded, including in accordance with article 43, paragraph 1, of the Convention against Corruption;

5. *Invites* Member States to conclude bilateral and regional agreements or arrangements on international cooperation in criminal matters, and in doing so to take into account the relevant provisions under the Convention against Corruption, the Organized Crime Convention and the Protocols thereto and the 1988 Convention;

6. *Encourages* Member States, relevant international organizations and institutes of the United Nations crime prevention and criminal justice programme network to strengthen cooperation and partnership with the United Nations Office on Drugs and Crime, which serves as the secretariat to the Convention against Corruption, the Organized Crime Convention and the Protocols thereto and the 1988 Convention;

7. *Urges* Member States that have not yet done so to designate central authorities responsible for mutual legal assistance requests in accordance with article 18, paragraph 13, of the Organized Crime Convention, article 46, paragraph 13, of the Convention against Corruption and article 7, paragraph 8, of the 1988 Convention;

8. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, in order to enhance the capacity of experts and staff of central authorities to effectively and expeditiously deal with mutual legal assistance requests;

9. *Commends* the United Nations Office on Drugs and Crime for its development of technical assistance tools to facilitate international cooperation in criminal matters, and invites Member States in appropriate cases to avail themselves of those tools;

10. *Requests* the United Nations Office on Drugs and Crime to continue supporting central authorities in strengthening communication channels and, as appropriate, in exchanging information at both the regional and international levels, for the purposes of enhancing the effectiveness of cooperation in criminal matters in all its aspects, especially in dealing with requests for mutual legal assistance;

11. *Encourages* Member States to ensure, where possible, that administrative procedures facilitate cooperation in criminal matters relating to the offences falling within the scope of the Organized Crime Convention, the Convention against Corruption, the 1988 Convention and the international counter-terrorism conventions and protocols, in accordance with national legislation;

12. *Also encourages* Member States to review their national policies, legislation and practices with regard to mutual legal assistance, extradition, confiscation of the proceeds of crime, the transfer of sentenced persons and other forms of international cooperation in criminal matters for the purpose of simplifying and enhancing cooperation among Member States;

13. *Further encourages* Member States to give due consideration to the humanitarian and social dimensions of the transfer of sentenced persons, where legislation provides for such transfer, for the purpose of achieving the greatest possible cooperation in the transfer of foreign prisoners so that they serve the rest of their sentence in their own countries;

14. *Requests* the United Nations Office on Drugs and Crime, in coordination and cooperation with Member States, to collect and disseminate information about the national legal requirements of Member States concerning international cooperation in criminal matters for the purpose of enhancing the knowledge and strengthening the capacity of practitioners so that they can better understand different legal systems and their requirements with regard to international cooperation while avoiding duplication of the work done in the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

15. *Also requests* the United Nations Office on Drugs and Crime to continue supporting the establishment and functioning of regional networks of central authorities responsible for dealing with mutual legal assistance requests, so as to contribute to the exchange of experiences and strengthen knowledge-based expertise in the area of international cooperation in criminal matters, and to help to establish international networks and partnerships among Member States;

16. *Invites* Member States to provide input to the United Nations Office on Drugs and Crime concerning the model treaties on international cooperation in criminal matters, in particular addressing the question of the necessity of updating or revising them and the prioritization of such updating or revising;

17. *Also invites* Member States, during the consideration of the appropriate agenda item of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to provide their views regarding the updating or revising mentioned in paragraph 16 above;

18. *Recommends* that the Commission on Crime Prevention and Criminal Justice, at its twenty-fourth session, take into account the input received from Member States and consider initiating a review of particular model treaties on international cooperation in criminal matters;

19. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution, in accordance with the rules and procedures of the United Nations.

**Draft resolution IV**

## United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice

*The General Assembly*,

*Recalling* the Universal Declaration of Human Rights,[39] the International Covenant on Economic, Social and Cultural Rights,[40] the International Covenant on Civil and Political Rights,[40] the Convention on the Rights of the Child[41] and all other relevant international and regional treaties,

*Recalling also* the numerous international standards and norms in the field of crime prevention and criminal justice, in particular on juvenile justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[42] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[43] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[44] the Guidelines for Action on Children in the Criminal Justice System,[45] the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,[46] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[47] the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,[48] the Guidelines for the Prevention of Crime,[49] the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[50] the guidelines for cooperation and technical assistance in the field of urban crime prevention,[51] the Code of Conduct for Law Enforcement Officials,[52] the Guidelines for the Effective

[39] General Assembly resolution 217 A (III).
[40] General Assembly resolution 2200 A (XXI), annex.
[41] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[42] General Assembly resolution 40/33, annex.
[43] General Assembly resolution 45/112, annex.
[44] General Assembly resolution 45/113, annex.
[45] Economic and Social Council resolution 1997/30, annex.
[46] Economic and Social Council resolution 2005/20, annex.
[47] General Assembly resolution 65/229, annex.
[48] General Assembly resolution 65/228, annex.
[49] Economic and Social Council resolution 2002/13, annex.
[50] General Assembly resolution 67/187, annex.
[51] Economic and Social Council resolution 1995/9, annex.
[52] General Assembly resolution 34/169, annex.

Implementation of the Code of Conduct for Law Enforcement Officials[53] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[54]

*Recalling further* its relevant resolutions, as well as those of the Economic and Social Council, the Human Rights Council and the Commission on Human Rights,[55]

*Convinced* that violence against children is never justifiable and that it is the duty of States to protect children, including those in conflict with the law, from all forms of violence and human rights violations, and to exercise due diligence to prohibit, prevent and investigate acts of violence against children, eliminate impunity and provide assistance to the victims, including prevention of revictimization,

*Acknowledging* the value of the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system,[56] the report of the United Nations High Commissioner for Human Rights on access to justice for children[57] and the joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on Violence against Children on accessible and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence,[58]

*Noting with appreciation* the important work on child rights in the context of crime prevention and criminal justice conducted by United Nations agencies, funds and programmes, including the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund, and by the Special Representative of the Secretary-General on Violence against Children and relevant mandate holders and treaty bodies, and welcoming the active participation of civil society in this field of work,

*Emphasizing* that children, by reason of their physical and mental development, face particular vulnerabilities and need special safeguards and care, including appropriate legal protection,

*Emphasizing also* that children in contact with the justice system as victims, witnesses, or alleged or recognized offenders, must be treated in a child-sensitive manner and with respect for their rights, dignity and needs,

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[53] Economic and Social Council resolution 1989/61, annex.

[54] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[55] Including General Assembly resolutions 62/141, 62/158, 63/241, 64/146, 65/197, 65/213, 66/138, 66/139, 66/140, 66/141, 67/152 and 67/166; Economic and Social Council resolutions 2007/23 and 2009/26; and Human Rights Council resolutions 7/29, 10/2, 18/12, 19/37, 22/32 and 24/12.

[56] A/HRC/21/25.

[57] A/HRC/25/35.

[58] A/HRC/16/56.

*Stressing* that the right for all to have access to justice and the provision that child victims or witnesses of violence and children and juveniles in conflict with the law are entitled to the same legal guarantees and protection as are accorded to adults, including all fair trial guarantees, form an important basis for strengthening the rule of law through the administration of justice,

*Recognizing* the complementary roles of crime prevention, the criminal justice system, child protection agencies and the health, education and social sectors, as well as civil society, in creating a protective environment and preventing and responding to incidents of violence against children,

*Being aware* of the different economic, social and cultural contexts of crime prevention and criminal justice prevailing in each Member State,

*Recalling* its resolution 68/189 of 18 December 2013, in which it requested the United Nations Office on Drugs and Crime to convene a meeting of an open-ended intergovernmental expert group, in collaboration with all relevant United Nations entities, in particular the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights and the Special Representative of the Secretary-General on Violence against Children, to develop a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, to be considered by the Commission on Crime Prevention and Criminal Justice at its session following the meeting of the open-ended intergovernmental expert group,

1. *Strongly condemns* all acts of violence against children, reaffirms the duty of the State to protect children from all forms of violence in both public and private settings, and calls for the elimination of impunity, including by investigating and prosecuting, with due process, and punishing all perpetrators;

2. *Expresses its extreme concern* about the secondary victimization of children that may occur within the justice system, and reaffirms the responsibility of States to protect children from this form of violence;

3. *Welcomes* the work done at the meeting of the expert group on the development of draft model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, held in Bangkok from 18 to 21 February 2014, and takes note with appreciation of its report;[59]

4. *Adopts* the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution;

5. *Urges* Member States to take all necessary and effective measures, as appropriate, to prevent and respond to all forms of violence against children who come in contact with the justice system as victims, witnesses, or alleged or recognized offenders, and to provide for consistency in their laws and policies and in the application thereof in order to promote the implementation of the Model Strategies and Practical Measures;

[59] UNODC/CCPCJ/EG.7/2014/4.

6. *Also urges* Member States to remove any barrier, including any kind of discrimination, that children may face in accessing justice and in effectively participating in criminal proceedings, to pay particular attention to the issue of the rights of the child and the child's best interests in the administration of justice, and to ensure that children in contact with the criminal justice system are treated in a child-sensitive manner, taking into account the specific needs of those children who are in particularly vulnerable situations;

7. *Encourages* Member States that have not yet integrated crime prevention and children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive crime prevention and justice system policy, with a view to preventing the involvement of children in criminal activities, promoting the use of alternative measures to detention, such as diversion and restorative justice, adopting reintegration strategies for former child offenders and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

8. *Encourages* Member States, where appropriate, to strengthen multisectoral coordination among all relevant government agencies in order to better prevent, identify and respond to the multidimensional nature of violence against children and to ensure that criminal justice and other relevant professionals are adequately trained to deal with children;

9. *Also encourages* Member States to establish and strengthen child rights monitoring and accountability systems, as well as mechanisms for the systematic research, collection and analysis of data on violence against children and on the systems designed to address violence against children, with a view to assessing the scope and incidence of such violence and the impact of policies and measures adopted to reduce it;

10. *Stresses* the importance of preventing incidents of violence against children and of responding in a timely manner to support child victims of violence, including to prevent their revictimization, and invites Member States to adopt knowledge-based, comprehensive and multisectoral prevention strategies and policies to address the factors that give rise to violence against children and that expose them to the risk of violence;

11. *Requests* the United Nations Office on Drugs and Crime to take steps to ensure the broad dissemination of the Model Strategies and Practical Measures;

12. *Also requests* the United Nations Office on Drugs and Crime, at the request of Member States, to identify the needs and capacities of countries and to provide technical assistance and advisory services to Member States in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices to prevent and respond to violence against children and to ensure respect for the rights of the child in the administration of justice;

13. *Further requests* the United Nations Office on Drugs and Crime to closely coordinate with the institutes of the United Nations crime prevention and criminal justice programme and with other relevant national and regional institutes with a view to developing training materials and offering training and other capacity-building opportunities, in particular for practitioners working in the areas

of crime prevention and criminal justice and for providers of support services for the victims of violence against children and for child witnesses within the criminal justice system, and to disseminate information on successful practices;

14. *Invites* the Commission on Crime Prevention and Criminal Justice and the Human Rights Council, as well as the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children, the Committee on the Rights of the Child and relevant regional and international intergovernmental and non-governmental organizations, to strengthen cooperation in supporting the efforts of States to eliminate all forms of violence against children;

15. *Encourages* Member States to promote country-to-country, regional and interregional technical cooperation in sharing best practices in the implementation of the Model Strategies and Practical Measures;

16. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations.

## Annex

## United Nations Model Strategies and Practical Measures on the Elimination o. Violence against Children in the Field of Crime Prevention and Criminal Justice

### Introduction

1. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice have been prepared to help Member States to address the need for integrated strategies for violence prevention and child protection, thereby offering children the protection to which they have an unqualified right.

2. The Model Strategies and Practical Measures take into consideration the complementary roles of the justice system on the one hand, and the child protection, social welfare, health and education sectors on the other, in creating a protective environment and in preventing and responding to violence against children. They draw attention to the need for Member States to ensure that criminal law is used appropriately and effectively to criminalize various forms of violence against children, including forms of violence prohibited by international law. The Model Strategies and Practical Measures will enable criminal justice institutions to strengthen and focus their efforts to prevent and respond to violence against children, and to increase their diligence in investigating, convicting and rehabilitating perpetrators of violent crimes against children.

3. The Model Strategies and Practical Measures take into account the fact that children who are alleged as, accused of or recognized as having infringed criminal law, especially those who are deprived of their liberty, face a high risk of violence. Because special attention must be paid to the especially vulnerable situation of these children, the Model Strategies and Practical Measures are aimed at not only improving the effectiveness of the criminal justice system in preventing and responding to violence against children, but also at protecting children against any violence that may result from their contact with the justice system.

4. The Model Strategies and Practical Measures reflect the fact that some of the perpetrators of violence against children are themselves children and often victims of violence. The need to protect child victims in such instances cannot negate the rights of all of the children involved to have their best interests considered as a matter of primary importance.

5. The Model Strategies and Practical Measures are grouped into three broad categories: general prevention strategies to address violence against children as part of broader child protection and crime prevention initiatives; strategies and measures to improve the ability of the criminal justice system to respond to crimes of violence against children and to protect child victims effectively; and strategies and measures to prevent and respond to violence against children in contact with the justice system. Good practices are set forth, to be considered and used by Member States within the framework of their national legal systems in a manner consistent with applicable international instruments, including relevant human rights instruments, and taking into consideration relevant United Nations standards and norms in crime prevention and criminal justice. Member States should be guided by the Model Strategies and Practical Measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

**Definitions**

6. For the purposes of the Model Strategies and Practical Measures:

(a) "Child" means, as in article 1 of the Convention on the Rights of the Child, "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier";

(b) A "child protection system" refers to the national legal framework, formal and informal structures, functions and capacities to prevent and respond to violence against and abuse, exploitation and neglect of children;

(c) "Children in contact with the justice system" refers to children who come into contact with the justice system as victims or witnesses, children alleged as, accused of or recognized as having infringed criminal law, or children who are in any other situation requiring legal proceedings, for example regarding their care, custody or protection, including cases involving children of incarcerated parents;

(d) "Child-sensitive" denotes an approach that takes into consideration the child's right to protection and individual needs and views in accordance with the age and maturity of the child;

(e) "Child victims" denotes children who are victims of crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders;

(f) "Crime prevention" comprises strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence the multiple causes of crime;

(g) "Criminal justice system" refers to laws, procedures, professionals, authorities and institutions that apply to victims, witnesses and persons alleged as, accused of or recognized as having infringed the law;

(h) "Deprivation of liberty" means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which that person is not permitted to leave at will, by order of any judicial, administrative or other public authority;

(i) "Diversion" refers to a process for dealing with children alleged as, accused of or recognized as having infringed criminal law as an alternative to judicial proceedings, with the consent of the child and the child's parents or legal guardian;

(j) "Informal justice system" refers to the resolution of disputes and the regulation of conduct by adjudication or with the assistance of a neutral third party that is not part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law;

(k) A "juvenile justice system" is comprised of laws, policies, guidelines, customary norms, systems, professionals, institutions and treatment specifically applicable to children alleged as, accused of or recognized as having infringed the law;

(l) "Legal aid" includes legal advice, assistance and representation for persons detained, arrested or imprisoned as a result of being suspected or accused of or charged with a criminal offence, and for victims and witnesses in the criminal justice process, which is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, "legal aid" is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes;

(m) A "protective environment" is an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity;

(n) "Restorative justice programme" means any programme that uses restorative processes and seeks to achieve restorative outcomes;

(o) "Restorative process" means any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate actively together in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles;

(p) "Violence" means all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

**Guiding principles**

7. In implementing the Model Strategies and Practical Measures at the national level, Member States should be guided by the following principles:

(a) That the inherent rights of the child to life, survival and development are protected;

(b) That the right of the child to have his or her best interests as a primary consideration in all matters involving or affecting him or her is respected, whether the child is a victim or a perpetrator of violence, as well as in all measures of prevention and protection;

(c) That every child is protected from all forms of violence without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

(d) That the child be informed of his or her rights in an age-appropriate manner and that the right of the child to be consulted and to express his or her views freely in all matters affecting him or her is fully respected;

(e) That all strategies and measures to prevent and respond to violence against children are designed and implemented from a gender perspective that specifically addresses gender-based violence;

(f) That the specific vulnerabilities of children and the situations they find themselves in, including children in need of special protection and children committing criminal offences under the age of criminal responsibility, should be addressed as part of comprehensive violence prevention strategies and identified as a priority for action;

(g) That measures to protect child victims of violence are non-coercive and do not compromise the rights of these children.

# Part one

# Prohibiting violence against children, implementing broad prevention measures and promoting research and data collection

8. Child protection should begin with the proactive prevention of violence and the explicit prohibition of all forms of violence. Member States have the duty to take appropriate measures that effectively protect children from all forms of violence.

## I. Ensuring the prohibition by law of all forms of violence against children

9. Recognizing the importance of the existence of a sound legal framework which prohibits violence against children and empowers authorities to respond appropriately to incidents of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure:

(a) That their laws are comprehensive and effective in prohibiting and eliminating all forms of violence against children, and that provisions that justify,

allow for or condone violence against children or may increase the risk of violence against children are removed;

(b) That cruel, inhuman or degrading treatment or punishment of children is prohibited and eliminated in all settings, including schools.

10. Because a countless number of girls and boys fall victim to harmful practices undertaken under different pretexts or grounds, including female genital mutilation or cutting, forced marriage, breast ironing and witchcraft rituals, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To establish by law a clear and comprehensive prohibition of all harmful practices against children, supported by detailed provisions in relevant legislation to secure the effective protection of girls and boys from those practices, to provide means of redress and to fight impunity;

(b) To remove from all national legislation any legal provisions that provide justification or allow for consent to harmful practices against children;

(c) To ensure that resorting to informal justice systems does not jeopardize children's rights or preclude child victims from accessing the formal justice system, and to establish the supremacy of international human rights law.

11. Recognizing the serious nature of many forms of violence against children and the need to criminalize these conducts, Member States should review and update their criminal law to ensure that the following acts are fully covered thereunder:

(a) Engaging in sexual activities with a child who is under the legal age of consent, ensuring as well that an appropriate "age of protection" or "legal age of consent", below which a child cannot legally consent to sexual activity, is set;

(b) Engaging in sexual activities with a child using coercion, force or threats, abusing a position of trust, authority or influence over a child, including within the family, and abusing a particularly vulnerable situation of a child, because of a mental or physical disability or a situation of dependence;

(c) Committing sexual violence against a child, including sexual abuse, sexual exploitation and sexual harassment through or facilitated by the use of new information technologies, including the Internet;

(d) The sale of or trafficking in children for any purpose and in any form;

(e) Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit or engagement of the child in forced labour;

(f) Offering, obtaining, procuring or providing a child for child prostitution;

(g) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography;

(h) Slavery or practices similar to slavery, debt bondage and serfdom and forced labour, including forced or compulsory recruitment of children for use in armed conflict;

(i) Committing gender-related violence against a child and, in particular, gender-related killing of girls.

## II. Implementing comprehensive prevention programmes

12. General and context-specific measures should be developed by Member States to prevent violence against children. Prevention measures, building on a growing understanding of factors that give rise to violence against children and addressing the risks of violence to which children are exposed, should be part of a comprehensive strategy to eliminate violence against children. Criminal justice agencies, working together with, as appropriate, child protection, social welfare, health and education agencies and civil society organizations, should develop effective violence prevention programmes as part of both broader crime prevention programmes and initiatives to build a protective environment for children.

13. Preventing the victimization of children through all available means should be recognized as a crime prevention priority. Member States are therefore urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To strengthen existing child protection systems and to help create a protective environment for children;

(b) To adopt measures to prevent violence within the family and the community, address cultural acceptance or tolerance of violence against children, including gender-related violence, and challenge harmful practices;

(c) To encourage and support the development and implementation at every level of government of comprehensive plans for the prevention of violence against children in all of its forms, based on in-depth analysis of the problem and incorporating:

(i) An inventory of existing policies and programmes;

(ii) Well-defined responsibilities for the relevant institutions, agencies and personnel involved in preventive measures;

(iii) Mechanisms for the appropriate coordination of preventive measures between governmental and non-governmental agencies;

(iv) Evidence-based policies and programmes that are continually monitored and carefully evaluated in the course of implementation;

(v) Parental capacity-building and family support as the primary preventive measures, while strengthening child protection in school and in the community;

(vi) Methods for effectively identifying, mitigating and reducing the risk of violence against children;

(vii) Public awareness-raising and community involvement in prevention policies and programmes;

(viii) Close interdisciplinary cooperation, with the involvement of all relevant agencies, civil society groups, local and religious leaders and, where relevant, other stakeholders;

(ix) Participation of children and families in policies and programmes for the prevention of criminal activities and victimization;

(d) To identify the specific vulnerabilities and risks faced by children in different situations and to adopt proactive measures to reduce those risks;

(e) To take appropriate actions to support and protect all children, in particular children in different situations of vulnerability and children in need of special protection;

(f) To be guided by the Guidelines for the Prevention of Crime[a] and play a leading role in developing effective crime prevention strategies and in creating and maintaining institutional frameworks for their implementation and review.

14. The risk of violence against children committed by children should be addressed by specific prevention measures, including measures:

(a) To prevent physical, psychological and sexual violence exerted, often through bullying, by children against other children;

(b) To prevent the violence sometimes exerted by groups of children, including violence by youth gangs;

(c) To prevent the recruitment, use and victimization of children by youth gangs;

(d) To identify and protect children, in particular girls, who are linked to gang members and who are vulnerable to sexual exploitation;

(e) To encourage law enforcement agencies to use multi-agency intelligence to proactively profile local risk and, accordingly, to direct enforcement and disruption activity.

15. The risk of violence associated with trafficking in children and various forms of exploitation by criminal groups should be addressed by specific prevention measures, including measures:

(a) To prevent the recruitment, use and victimization of children by criminal groups, terrorist entities or violent extremist groups;

(b) To prevent the sale of children, trafficking in children, child prostitution and child pornography;

(c) To prevent the production, possession and dissemination of images and all other materials that depict, glorify or incite violence against children, including when perpetrated by children, particularly through information technologies, such as the Internet, in particular, social networking environments.

16. Broad public education and awareness campaigns are required. Member States, in cooperation with educational institutions, non-governmental organizations,

[a] Economic and Social Council resolution 2002/13, annex.

relevant professional associations and the media, are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To implement and support effective public awareness and public education initiatives that prevent violence against children by promoting respect for their rights and by educating their families and communities about the harmful impact of violence;

(b) To raise awareness of how to prevent and respond to violence against children among persons who have regular contact with children in the justice, child protection, social welfare, health and education sectors and in areas relating to sport, culture and leisure activities;

(c) To encourage and support inter-agency cooperation in implementing violence prevention activities and programmes, planning and delivering public information campaigns, training professionals and volunteers, gathering data on the incidence of violence against children, monitoring and evaluating the effectiveness of programmes and strategies and exchanging information on good practices and lessons learned;

(d) To encourage the private sector, in particular the information and communications technology sector, the tourism and travel industry and the banking and finance sectors, and civil society to participate in the development and implementation of policies to prevent the exploitation and abuse of children;

(e) To encourage the media to contribute to community efforts to prevent and respond to violence against children and to promote changes in social norms that tolerate such violence, and to encourage the establishment of media-led ethical guidelines that will allow child-friendly coverage and reportage on cases involving child victims of abuse, exploitation, neglect and discrimination, taking into consideration the right of children to privacy;

(f) To involve children, their families, communities, local leaders, religious leaders and criminal justice and other relevant professionals in discussing the impact and detrimental effects of violence against children and ways to prevent violence and eliminate harmful practices;

(g) To challenge attitudes that condone or normalize violence against children, including the tolerance and acceptance of corporal punishment and harmful practices, and the acceptance of violence.

17. In order to address the vulnerability and the specific risks of violence faced by unaccompanied children, migrant children and children who are refugees or asylum seekers, Member States are urged, as appropriate and without prejudice to their obligations under international law:

(a) To ensure that these children have access to independent assistance, advocacy and advice, that they are always placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests, that they are separated from adults when necessary to protect them and, when applicable, to sever relationships with smugglers and traffickers, and that a legally appointed representative is available from the moment an unaccompanied child is detected by the authorities;

(b) To conduct regular analyses of the nature of the threats faced by these children and to assess their needs for assistance and protection;

(c) To uphold the principle of burden sharing and solidarity with the host country and to enhance international cooperation.

## III. Promoting research and data collection, analysis and dissemination

18. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for the systematic and coordinated collection of data on violence against children, including on violence against children in contact with the justice system;

(b) To monitor and publish periodic reports on cases of violence against children reported to the police and other criminal justice agencies, including the number of cases, apprehension or arrest and clearance rates, prosecution and case disposition with regard to the alleged offenders and the prevalence of violence against children and, in so doing, to make use of data derived from population-based surveys. The reports should disaggregate data by type of violence and include, for example, information on the age and sex of the alleged offender and his or her relationship to the victim;

(c) To develop a multilevel system of reporting, starting from the most basic unit of government to the national level and to allow, in accordance with national legislation, the exchange of relevant information, statistics and data among all relevant institutions to help ensure comprehensive data gathering for policy and programme development that will promote child protection;

(d) To develop population-based surveys and child-sensitive methodologies aimed at collecting data regarding children, including crime and victimization surveys, to allow for assessment of the nature and extent of violence against children;

(e) To develop and implement indicators relating to the performance of the justice system in preventing and responding to violence against children;

(f) To develop and monitor indicators relating to the prevalence of violence against children in contact with the justice system;

(g) To evaluate the efficiency and effectiveness of the justice system in meeting the needs of child victims of violence and preventing such violence, including with regard to the way in which the justice system treats child victims of violence, the use it makes of different intervention models and the degree to which it cooperates with other agencies responsible for the protection of children, and also to evaluate and assess the impact of current legislation, rules and procedures relating to violence against children;

(h) To collect, analyse and disseminate data on independent inspections of places of detention, access to complaint mechanisms by children in detention and outcomes of complaints and investigations in accordance with the obligations of States under international human rights law;

(i) To use research studies and data collection to inform policy and practice and to exchange and disseminate information concerning successful violence prevention practices;

(j) To encourage and provide sufficient financial support for research on violence against children;

(k) To ensure that data, periodic reports and research are aimed at supporting the efforts of Member States to address violence against children, and are used in the framework of constructive cooperation and dialogue with and among Member States.

# Part two

# Enhancing the ability and capacity of the criminal justice system to respond to violence against children and protect child victims

## IV. Establishing effective detection and reporting mechanisms

19. In order to respond to the need to detect and report acts of violence against children, Member States are urged, as appropriate:

(a) To ensure that measures are taken to identify risk factors for different types of violence and identify signs of actual violence in order to trigger appropriate intervention as early as possible;

(b) To ensure that criminal justice professionals who routinely come into contact with children in the course of their work are aware of risk factors and indicators of various forms of violence, in particular at the national level, and that they have received guidance and are trained on how to interpret such indicators and have the necessary knowledge, willingness and ability to take appropriate action, including the provision of immediate protection;

(c) To legally require professionals who routinely come into contact with children in the course of their work to notify appropriate authorities if they suspect that a child is, or is likely to become, a victim of violence;

(d) To ensure that safe child- and gender-sensitive approaches, procedures, and complaint, reporting and counselling mechanisms are established by law, are in conformity with the obligations of Member States under the relevant international human rights instruments, take into account relevant international standards and norms on crime prevention and criminal justice and are easily accessible to all children and their representative or a third party without fear of reprisal or discrimination;

(e) To ensure that individuals, and in particular children, reporting in good faith alleged incidents of violence against children are protected against all forms of reprisal;

(f) To work with Internet service providers, mobile telephone companies, search engines, public Internet facilities and others to facilitate and, where feasible, enact appropriate legislative measures to ensure the reporting of any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes, defined as child pornography under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to the police or other authorized bodies and the blocking of access to websites where such material is available or the deletion of illegal content, and to keep records, in accordance with the law, and preserve evidence for a period of time and as determined by law for the purpose of investigation and prosecution.

## V. Offering effective protection to child victims of violence

20. In order to more effectively protect child victims of violence through the criminal justice process and avoid their secondary victimization, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to take appropriate measures:

(a) To ensure that laws clearly define the roles and responsibilities of government departments and define standards for the actions of other institutions, services and facilities responsible for the detection of violence against children and the care and protection of children, in particular in cases of domestic violence;

(b) To ensure that police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against children and to take immediate measures to ensure the safety of the children;

(c) To ensure that police, prosecutors, judges and all other relevant professionals who may be in contact with child victims respond promptly to incidents of violence against children and that relevant cases are managed expeditiously and efficiently;

(d) To ensure that criminal justice and other relevant professionals, in dealing with cases of child victims of violence, pay particular attention to child- and gender-sensitive approaches, including through the use of modern technologies in different stages of criminal investigations and criminal proceedings;

(e) To ensure that national standards, procedures and protocols are developed and implemented among relevant national actors in order to respond with sensitivity to child victims of violence whose physical or psychological integrity remains at serious risk and requires their urgent removal from the dangerous context, and that temporary protection and care are provided in an appropriate place of safety pending a full determination of the best interests of the child;

(f) To ensure that the police, courts and other competent authorities have the legal authority to issue and enforce protection measures such as restraining or

barring orders in cases of violence against children, including removal of the perpetrator from the domicile and prohibiting further contact with the victim and other affected parties inside and outside the domicile, as well as to impose penalties for breaches of those orders in accordance with national legislation, and to ensure that, when the child victim of violence remains under the care and protection of the non-abusive parent, the parent can safeguard the child and that such protective measures are not dependent on the initiation of criminal proceedings;

(g) To ensure that a registration system is established for judicial protection and restraining or barring orders, where such orders are permitted by national law, so that police and other criminal justice officials can quickly determine whether such an order is in force;

(h) To ensure that an informal or mediated settlement of cases involving violence against children takes place only when it is in the best interests of the child, and does not involve harmful practices, such as forced marriage, taking into account any power imbalance and the vulnerability of the child or his or her family in consenting to a settlement, with due regard for any future risk to the safety of the child or other children;

(i) To ensure that child victims of violence and their families have access to appropriate mechanisms or procedures in order to obtain redress and reparation, including from the State, and that relevant information about those mechanisms is publicized and easily accessible.

21. Recognizing the fact that, for prosecutions to be effective, it is often necessary for child victims of violence to participate in the criminal justice process, that in some jurisdictions children can be required or compelled to testify and that these children are vulnerable and in need of special protection, assistance and support in order to prevent further hardship and trauma that may result from their participation in the criminal justice process, Member States are required in this regard to ensure that the child's privacy is fully respected at all stages of the proceedings and are urged, as appropriate:

(a) To ensure the availability for children of special services, physical and mental health care and protection that take into account gender and are appropriate to the age, level of maturity and needs of the child in order to prevent further hardship and trauma and promote the physical and psychological recovery and social reintegration of child victims of violence;

(b) To ensure that children who have been subjected to sexual abuse, and especially girls who have become pregnant or children living with HIV/AIDS or other sexually transmitted diseases as a result of the abuse, receive age-appropriate medical advice and counselling and are provided with the requisite physical and mental health care and support;

(c) To ensure that child victims receive assistance from support persons commencing at the initial report and continuing until such services are no longer required;

(d) To ensure that professionals who are responsible for assisting child victims make every effort to coordinate support to avoid unnecessary procedures and limit the number of interviews.

## VI. Ensuring effective investigation and prosecution of incidents of violence against children

22. In order to effectively investigate and prosecute incidents of violence against children and bring the perpetrators to justice, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that the primary responsibility for initiating investigations and prosecutions lies with the police, the prosecution and other competent authorities and does not require an official complaint to be filed by the child victim of violence or a parent or legal guardian of the child;

(b) To adopt and implement policies and programmes aimed at guiding all decisions concerning the prosecution of offences of violence against children and ensuring the fairness, integrity and effectiveness of such decisions;

(c) To ensure that the applicable laws, policies, procedures, programmes and practices related to violence against children are consistently and effectively implemented by the criminal justice system;

(d) To ensure that child-sensitive investigation procedures are adopted and implemented so as to ensure that violence against children is correctly identified and to help provide evidence for administrative, civil and criminal proceedings, while according due assistance to children with special needs;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence, in particular bodily samples, that take into account the needs and views of child victims of violence in accordance with the age and maturity of child victims, respect their dignity and integrity and minimize intrusion into their lives, while abiding by national standards for the collection of evidence;

(f) To ensure that the persons investigating alleged incidents of violence against children have the duty, powers and necessary authorization to obtain all the information necessary to the investigation, in accordance with criminal procedure as laid out in national law, and have at their disposal all the necessary budgetary and technical resources for effective investigation;

(g) To ensure that great care is taken to avoid subjecting a child victim of violence to further harm through the process of the investigation, including by inviting and giving due weight to the child's views in accordance with the age and maturity of the child and adopting child-sensitive and gender-sensitive investigation and prosecution practices;

(h) To ensure that decisions on the apprehension or arrest, detention and terms of any form of release of an alleged perpetrator of violence against a child take into account the need for the safety of the child and others related to the child, and that such procedures also prevent further acts of violence.

## VII. Enhancing cooperation among various sectors

23. Acknowledging the complementary roles of the criminal justice system, child protection agencies, health, education and social service sectors and, in some cases, informal justice systems in creating a protective environment and preventing and responding to incidents of violence against children, Member States are urged, as appropriate:

(a) To ensure effective coordination and cooperation among the criminal justice, child protection, social welfare, health and education sectors in detecting, reporting and responding to violence against children and protecting and assisting child victims;

(b) To establish stronger operational links, particularly in emergency situations, between health and social service agencies, both public and private, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against children, while protecting the privacy of child victims of violence;

(c) To establish stronger links between informal justice systems and justice and child protection institutions;

(d) To develop information systems and inter-agency protocols to facilitate the exchange of information and enable cooperation in identifying incidents of violence against children, responding to them, protecting child victims of violence and holding perpetrators accountable, in accordance with national laws on data protection;

(e) To ensure that violent acts against children, when suspected by health and social services or child protection agencies, are promptly reported to the police and other law enforcement agencies;

(f) To promote the establishment of specialized units specifically trained to deal with the complexities and sensitivities relating to child victims of violence, from which victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal aid and police assistance and protection;

(g) To ensure that adequate medical, psychological, social and legal services sensitive to the needs of child victims of violence are in place to enhance the criminal justice management of cases involving violence against children, to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment, and to facilitate and support inter-agency referrals of child victims for services;

(h) To provide support to children whose parents or caregivers are deprived of liberty in order to prevent and address the risk of violence such children may be exposed to as a result of the parents' or caregiver's actions or situation.

## VIII. Improving criminal proceedings in matters involving child victims of violence

24. With respect to criminal proceedings in matters involving child victims of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that comprehensive services are provided and protection measures are taken to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the ability or willingness of the victim to participate in an investigation or prosecution, and to protect them from intimidation and retaliation;

(b) To ensure that the child's views are given due weight in accordance with the age and maturity of the child, that the child is provided the opportunity to participate fully in any judicial and administrative proceedings, that every child is treated as a capable witness and that his or her testimony is not presumed to be invalid or untrustworthy by reason of the child's age alone, as long as the court or other competent authority deems that his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance;

(c) To ensure, in appropriate cases, that child victims of violence are not required to testify as part of the criminal justice process without the knowledge of their parents or legal guardians, that a child's refusal to testify does not constitute a criminal or other offence and that child victims of violence are able to testify in criminal proceedings through adequate measures and child-friendly practices that facilitate such testimony by protecting their privacy, identity and dignity, ensuring their safety before, during and after legal proceedings, avoiding secondary victimization and respecting their need and legal right to be heard while recognizing the legal rights of the accused;

(d) To ensure that child victims of violence, their parents or legal guardians and legal representatives, from the first contact with the justice system and throughout the judicial proceedings, are promptly and adequately informed of, inter alia, the rights of the child, the relevant procedures, available legal aid and the progress and disposition of the specific case;

(e) To ensure that the child victim's parents or legal guardian and, where appropriate, a child protection professional accompany the child during interviews conducted as part of the investigation and during trial proceedings, inter alia, while testifying as a witness, except in the following circumstances, as dictated by the best interests of the child:

(i) The parent(s) or the legal guardian are the alleged perpetrator(s) of the offence committed against the child;

(ii) The court deems that it is not in the best interests of the child to be accompanied by his or her parent(s) or legal guardian, including on the basis of credible concern expressed by the child;

(f) To ensure that proceedings relevant to the testimony of the child are explained to the child and conducted in language that is simple and comprehensible

to the child and that interpretation into language that the child understands is made available;

(g) To protect the privacy of child victims of violence as a matter of primary importance, to protect them from undue exposure to the public, for example by excluding the public and the media from the courtroom during the child's testimony, and to protect information relating to a child's involvement in the justice process by maintaining confidentiality and restricting disclosure of information that may lead to identification of the child;

(h) To ensure, within the framework of national legal systems, that criminal proceedings involving child victims take place as soon as possible, unless delays are in the child's best interest;

(i) To provide for the use of child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated within the same location, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure that the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony;

(j) To ensure that, when child victims of violence may be the subject of intimidation, threats or harm, appropriate conditions are put in place to ensure their safety and that protective measures are taken, such as:

(i) Preventing direct contact between a child victim and the accused at any point during the criminal justice process;

(ii) Requesting restraining orders from a competent court, supported by a registry system;

(iii) Requesting a pretrial detention order for the accused from a competent court, with "no contact" bail conditions;

(iv) Requesting an order from a competent court to place the accused under house arrest if necessary;

(v) Requesting protection for a child victim by the police or other relevant agencies and safeguarding the whereabouts of the child from disclosure.

25. Recognizing the serious nature of violence against children and taking into account the severity of the physical and psychological harm caused to child victims, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure, when informal justice systems are resorted to, that violence against children is appropriately denounced and deterred, that perpetrators of violence against children are held accountable for their actions and that redress, support and compensation for child victims is provided.

26. Recognizing that measures to protect and assist child victims of violence must continue after the person accused of that violence has been convicted and sentenced, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure the right of a child victim of violence, or his or her parents or legal guardian, to be notified of the offender's release from detention or imprisonment if they so wish;

(b) To develop, implement and evaluate treatment and reintegration and rehabilitation programmes for those convicted of violence against children that prioritize the safety of victims and the prevention of recidivism;

(c) To ensure that judicial and correctional authorities, as appropriate, monitor compliance by perpetrators with any treatment or other court order;

(d) To ensure that the risk to a child victim of violence and the best interests of that child are considered at the time of making decisions concerning the release of the offender from detention or imprisonment or the re-entry of the offender into society.

## IX. Ensuring that sentencing reflects the serious nature of violence against children

27. Recognizing the serious nature of violence against children, while taking into account the fact that the perpetrators of that violence may also be children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that offences involving violence against children are, by law, punishable by appropriate penalties that take into account their grave nature;

(b) To ensure that national law takes into account specific factors which may aggravate a crime, including the age of the victim, the fact that the victim is severely handicapped mentally or intellectually, repeated violent acts, abuse of a position of trust or authority and perpetration of violence against a child in a close relationship with the offender;

(c) To ensure that people who commit acts of violence against children while under the influence of alcohol, drugs or other substances are not exempt from criminal responsibility;

(d) To ensure that individuals can be prohibited or restrained by a court order or other means, within the framework of the national legal system, from harassing, intimidating or threatening children;

(e) To ensure that safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial sentences, bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(f) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(g) To review and update national law to ensure that the decisions made by the courts in cases involving violent offences against children:

(i) Denounce and deter violence against children;

(ii) Hold offenders accountable, with due regard to their age and maturity, for their acts involving violence against children;

(iii) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(iv) Allow for the severity of the physical and psychological harm caused to the victim to be taken into consideration;

(v) Take into account the impact on victims and, if affected, their family members, of sentences imposed on perpetrators;

(vi) Provide reparations for harm caused as a result of the violence;

(vii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, rehabilitating and reintegrating perpetrators into the community.

## X. Strengthening capacity and training of criminal justice professionals

28. Recognizing the responsibility of criminal justice professionals to prevent and respond to violence against children and to protect child victims of violence, as well as the need to facilitate and support this role, Member States are urged, as appropriate:

(a) To take measures and allocate adequate resources to develop the capacity of professionals within the criminal justice system to actively prevent violence against children and to protect and assist child victims of violence;

(b) To enable close cooperation, coordination and collaboration between criminal justice officials and other relevant professionals, especially those from the child protection, social welfare, health and education sectors;

(c) To design and implement training programmes for criminal justice professionals on the rights of the child, in particular on the Convention on the Rights of the Child and international human rights law, and to provide information on appropriate ways to deal with all children, in particular those who might be subject to discrimination, and to educate criminal justice professionals about the stages of child development, the process of cognitive development, the dynamics and nature of violence against children, the difference between regular peer groups and gangs, and the appropriate management of children who are under the influence of alcohol or drugs;

(d) To design and deliver guidance, information and training to informal justice system actors in order to ensure that their practices, legal interpretations and decisions comply with international human rights law and effectively protect children against all forms of violence;

(e) To design and implement mandatory, cross-cultural gender- and child-sensitivity training modules for criminal justice professionals on the unacceptability of all forms of violence against children and on the harmful impact on and consequences for all those who experience such violence;

(f) To ensure that criminal justice professionals receive adequate training and continuing education on all relevant national laws, policies and programmes, as well as relevant international legal instruments;

(g) To promote the development and use of specialized expertise among criminal justice professionals, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors, judges and other criminal justice professionals receive regular and institutionalized training to sensitize them to gender- and child-related issues and to build their capacity with regard to responding to violence against children;

(h) To ensure that criminal justice officials and other relevant authorities are adequately trained in their respective areas of competence:

(i) To identify and respond appropriately to the specific needs of child victims of violence;

(ii) To receive and treat all child victims of violence respectfully, with a view to preventing secondary victimization;

(iii) To handle complaints confidentially;

(iv) To conduct effective investigations of alleged incidents of violence against children;

(v) To interact with child victims in an age-appropriate and child- and gender-sensitive manner;

(vi) To conduct safety assessments and implement risk management measures;

(vii) To enforce protection orders;

(i) To support the development of codes of conduct for criminal justice professionals that prohibit violence against children, including safe complaint and referral procedures, and to encourage relevant professional associations to develop enforceable standards of practice and behaviour.

# Part three

# Preventing and responding to violence against children within the justice system

## XI. Reducing the number of children in contact with the justice system

29. Recognizing the importance of avoiding the unnecessary criminalization and penalization of children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure that

any conduct not considered a criminal offence or not penalized if committed by an adult is also not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization.

30. In this regard, Member States are encouraged not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of children, and, in this respect, refers to the recommendations of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level.

31. Recognizing that an important and highly effective way of reducing the number of children in the justice system is through diversion measures, restorative justice programmes and the use of non-coercive treatment and education programmes as alternative measures to judicial proceedings, as well as the provision of support for families, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To consider diversion to community-based programmes and to provide police and other law enforcement officers, prosecutors and judges with options for diverting children away from the justice system, including warning and community work, to be applied in combination with restorative justice processes;

(b) To foster close cooperation among the justice, child protection, social welfare, health and education sectors, so as to promote the use and enhanced application of alternative measures to judicial proceedings and to detention;

(c) To consider designing and implementing restorative justice programmes for children as alternative measures to judicial proceedings;

(d) To consider the use of non-coercive treatment, education and assistance programmes as alternative measures to judicial proceedings and the development of alternative non-custodial interventions and effective social reintegration programmes.

## XII. Preventing violence associated with law enforcement and prosecution activities

32. Mindful of the fact that police and other security forces can sometimes be responsible for acts of violence against children, Member States are urged, while taking into consideration relevant international legal instruments, to prevent abuse of power, arbitrary detention, corruption and extortion by police officers who target children and their families.

33. Member States are urged to effectively prohibit the use of all forms of violence, torture and other cruel, inhuman or degrading treatment or punishment to obtain information, extract confessions, coerce a child into acting as an informant or agent for the police, or engage a child in activities against his or her will.

34. Mindful of the fact that arrests and investigations are situations in which violence against children can occur, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that all arrests are conducted in conformity with the law, to limit the apprehension, arrest and detention of children to situations in which these measures are necessary as a last resort, and to promote and implement, where possible, alternatives to arrest and detention, including summonses and notices to appear, in cases involving children as alleged perpetrators;

(b) To implement the principle that the apprehension or arrest of children should be conducted in a child-sensitive manner;

(c) To prohibit the use of firearms, electric shock weapons and violent methods to apprehend and arrest children, and to adopt measures and procedures that carefully limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children;

(d) To require, ensure and monitor police compliance with the obligation to notify parents, legal guardians or caregivers immediately following the apprehension or arrest of a child;

(e) To ensure that, when considering whether a parent, legal guardian, legal representative or responsible adult or, when necessary, a child protection professional is to be present at, or to observe a child during, the interview or interrogation process, the best interests of the child as well as other relevant factors are taken into consideration;

(f) To ensure that children are informed of their rights and have prompt access to legal aid during police interrogation and while in police detention, and that they may consult their legal representative freely and fully confidentially;

(g) To review, evaluate and, where necessary, update national laws, policies, codes, procedures, programmes and practices to implement policies and strict procedures for searching children while respecting their privacy and dignity, for taking intimate and non-intimate samples from child suspects and for assessing the age and gender of a child;

(h) To implement measures to specifically prevent violence related to unlawful practices by the police, including arbitrary arrests and detention and extrajudicial punishment of children for unlawful or unwanted behaviours;

(i) To establish accessible, child-appropriate and safe procedures for children to complain about incidents of violence during their arrest or interrogation or while in police custody;

(j) To ensure that alleged incidents of violence against children during their contact with the police are independently, promptly and effectively investigated and that those alleged to have been implicated in violence against children are removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation;

(k) To take measures to address the risk of violence and protect children during their transport to a court, hospital or other facility, including the risk of violence while being held in court holding cells together with adults;

(l) To ensure that, when a parent, legal guardian or caregiver is arrested, the child's best interests, care and other needs are taken into account.

## XIII. Ensuring that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time

35. Recognizing that limiting the use of detention as a sentence and encouraging the use of alternatives to detention can help reduce the risk of violence against children within the justice system, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) Not to deprive children of their liberty unlawfully or arbitrarily and, in cases of deprivation of liberty, to ensure that it is in conformity with the law and used only as a measure of last resort and for the shortest appropriate period of time;

(b) To ensure that children have continued access to government-funded legal aid during all stages of the justice process;

(c) To ensure that children can exercise their right to appeal a sentence and obtain the necessary legal aid to do so;

(d) To provide for the possibility of early release and make available aftercare and social reintegration programmes and services;

(e) To facilitate professional specialization, or at least specialized training, for criminal justice professionals dealing with children alleged as, accused of or recognized as having infringed criminal law.

## XIV. Prohibiting torture and other cruel, inhuman or degrading treatment or punishment

36. Recognizing that no child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment, Member States are urged:

(a) To review, evaluate and, where necessary, update their national laws to effectively prohibit sentences involving any form of corporal punishment for crimes committed by children;

(b) To review, evaluate and, where necessary, update their national laws to ensure that, under legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons when they were under 18 years of age.

## XV. Preventing and responding to violence against children in places of detention

37. Recognizing that the majority of children deprived of their liberty are in police custody or pretrial or preventive detention and that those children might be at risk of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that children in police custody or pretrial or preventive detention can promptly appear before a court or tribunal to challenge that detention and that they have an opportunity to be heard either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law, in order to obtain a prompt decision on any such action;

(b) To reduce delays in the justice process, to expedite trials and other proceedings involving children alleged as, accused of or recognized as having infringed criminal law, and to avoid the resulting prolonged or arbitrary detention of children while they await trial or the conclusion of a police investigation;

(c) To ensure the effective oversight and independent monitoring of all cases of police custody or pretrial or preventive detention of children;

(d) To endeavour to reduce pretrial detention by, inter alia, adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives, and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal aid.

38. Recognizing that, when children must be detained, the conditions of detention themselves can be conducive to various forms of violence against children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that all detention facilities have adopted and implemented child-sensitive policies, procedures and practices, and to monitor compliance with them;

(b) To establish a maximum capacity for all places of detention and take concrete and sustained measures to address and reduce overcrowding in such institutions;

(c) To ensure that, in all places of detention, children are separated from adults and girls are separated from boys;

(d) To promote good practices in order to strengthen the protection and safety of children living in custody with an incarcerated parent, including consultation with the parents to determine their views regarding their child's care during the period of custody and the provision of special mother-and-child units or, where parents are detained for violation of immigration laws, separate family units in order to identify their special needs and accordingly provide appropriate protection;

(e) To facilitate the assessment and classification of children held in detention facilities in order to identify their special needs and accordingly provide

appropriate protection and individualize treatment and interventions, including with respect to the specific needs of girls, and to ensure that there is a sufficient array of facilities to accommodate and adequately protect children of different ages or with differing needs;

(f) To ensure that treatment and support is offered to detained children with special needs, including to girls who are pregnant, give birth and/or raise children in detention, and that treatment for mental illness, disabilities, HIV/AIDS and other communicable and non-communicable diseases and drug addiction is offered, and to address the needs of children at risk of committing suicide or other forms of self-harm;

(g) To ensure that appropriate care and protection is provided to children accompanying a parent or legal guardian deprived of liberty on any ground, including for a violation of immigration law;

(h) To review, update and improve safety and security policies and practices within places of detention to reflect the obligation of the authorities to ensure the safety of children and protect them against all forms of violence, including violence among children;

(i) To prevent all forms of discrimination against or ostracism or stigmatization of detained children;

(j) To take strict measures to ensure that all alleged incidents of violence, including sexual abuse of children in a place of detention, are immediately reported and independently, promptly and effectively investigated by appropriate authorities and, when well founded, effectively prosecuted.

39. Recognizing also that it is imperative to minimize the risk of violence against children in detention, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that children in detention and their parents and/or legal guardians are aware of their rights and can access the mechanisms in place to protect those rights, including access to legal aid;

(b) To prohibit the use of placement in a dark cell or closed or solitary confinement or any other punishment that may compromise the physical or mental health of a child;

(c) To adopt and implement strict policies guiding the use of force and physical restraints on children during their detention;

(d) To adopt policies prohibiting the carrying and use of weapons by personnel in any facility where children are detained;

(e) To prohibit and effectively prevent the use of corporal punishment as a disciplinary measure, to adopt clear and transparent disciplinary policies and procedures that encourage the use of positive and educational forms of discipline, and to establish in law the duty of managers and personnel of detention facilities to record, review and monitor every instance in which disciplinary measures or punishment are used;

(f) To prohibit any form of violence or threats of violence against children by staff of places of detention in order to force children to engage in activities against their will;

(g) To ensure the effective supervision and protection of children, as necessary, from violence by other children and adults, including through measures to prevent bullying by adults and by other children, and from self-harm;

(h) To prevent violence associated with youth gang activities and racist harassment and violence within places of detention;

(i) To encourage and facilitate, wherever possible and in the best interests of the child, frequent family visits and regular contact and communication between children and their family members, as well as with the outside world, and to ensure that disciplinary sanctions for detained children do not include a prohibition of contact with family members;

(j) To prevent violence against and abuse of children suffering from mental illness or drug addiction, including through treatment and other measures to protect them from self-harm.

40. Recognizing the importance of preventing violence against children through appropriate staff recruitment, selection, training and supervision, Member States are urged, as appropriate:

(a) To ensure that all personnel working with children in places of detention are qualified, selected on the basis of professional capacity, integrity, ability and personal suitability, sufficiently remunerated, adequately trained and effectively supervised;

(b) To ensure that any person who has been convicted of a criminal offence against a child is not eligible to work in an agency or organization providing services to children, and to require agencies and organizations providing services to children to prevent persons who have been convicted of a criminal offence against a child from coming into contact with children;

(c) To train all personnel and make them aware of their responsibility to identify early signs of risks of violence and mitigate that risk, to report incidents of violence against children, and to actively protect children against violence in an ethical and child- and gender-sensitive manner.

41. Taking into account the distinctive needs of girls and their vulnerability to gender-based violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To eliminate the risk of all forms of harassment, violence and discrimination against girls;

(b) To ensure that the special needs and vulnerabilities of girls are taken into account in decision-making processes;

(c) To ensure that the dignity of girls is respected and protected during personal searches, which shall only be carried out by female staff who have been properly trained in appropriate searching methods and in accordance with established procedures;

(d) To implement alternative screening methods, such as scans, to replace strip searches and invasive body searches in order to avoid the harmful psychological and possible physical impact of such searches;

(e) To adopt and implement clear policies and regulations on the conduct of staff aimed at providing maximum protection for girls deprived of their liberty from any physical or verbal violence, abuse or sexual harassment.

42. Recognizing the crucial importance of independent monitoring and inspection mechanisms, Members States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure effective monitoring of, regular access to and inspection of places of detention and community-based institutions by national independent bodies and national human rights institutions, ombudspersons or members of the judiciary, who are empowered to conduct unannounced visits, conduct interviews with children and staff in private and investigate allegations of violence;

(b) To ensure that they cooperate with relevant international and regional monitoring mechanisms that are legally entitled to visit institutions in which children are deprived of their liberty;

(c) To promote international cooperation with regard to best practices and lessons learned related to national monitoring and inspection mechanisms;

(d) To ensure that all deaths of children in detention facilities are reported and promptly and independently investigated, and to promptly endeavour, as appropriate, to investigate injuries suffered by children and ensure that their parents, legal guardian or closest relatives are informed.

## XVI. Detecting, assisting and protecting children who are victims of violence as a result of their involvement with the justice system as alleged or sentenced offenders

43. Given the crucial importance of providing children who report abuse and incidents of violence within the justice system with immediate protection, support and counselling, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To establish complaint mechanisms for child victims of violence within the justice system that are safe, confidential, effective and easily accessible;

(b) To ensure that children receive clear information, in particular when they first arrive in a place of detention, both verbally and in writing, about their rights, relevant procedures, how they can exercise their right to be heard and listened to, effective remedies to address incidents of violence and available services for assistance and support, as well as information on seeking compensation for damages, that such information is age- and culturally appropriate and child- and gender-sensitive, and that parents and legal guardians are equally provided with relevant information on these measures;

(c) To protect children who report abuse, specifically taking into account the risks of retaliation, including by removing those allegedly implicated in violence

against or ill-treatment of children from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, and those conducting the investigation;

(d) To take effective measures to protect children who provide information or act as witnesses in proceedings related to a case involving violence within the justice system;

(e) To provide access to fair, prompt and equitable redress mechanisms and accessible procedures for seeking and obtaining compensation for child victims of violence in the justice system, and to endeavour to adequately fund victim compensation schemes.

44. Recognizing the importance of detecting and responding to all incidents of violence against children as a result of their involvement with the justice system as alleged or sentenced offenders, Member States are urged, as appropriate:

(a) To ensure that laws establishing obligations to report violence against children in the justice system respect children's rights and are incorporated into the relevant regulations of agencies and rules of conduct, and that all those working with children have clear guidance on reporting requirements and consequences;

(b) To implement protection measures for staff who report in good faith alleged incidents of violence against children, and to adopt rules and procedures that protect the identity of professionals and private individuals who bring cases of violence against children to the attention of the competent authorities;

(c) To ensure the prompt, independent and effective investigation of all alleged incidents of violence against children involved with the justice system, as alleged or convicted offenders, by competent and independent authorities, including medical personnel, with full respect for the principle of confidentiality.

## XVII. Strengthening accountability and oversight mechanisms

45. Member States are urged to take all appropriate measures to combat impunity and the tolerance of violence against children within the justice system, including through awareness-raising programmes, education and effective prosecution of violent offences committed against children within the justice system.

46. Member States are encouraged to ensure that there is a clear and sustained commitment and obligation at all levels of justice institutions to prevent and address violence against children, including in a child- and gender-sensitive manner.

47. Member States are urged, as appropriate and while taking into consideration relevant international legal instruments:

(a) To promote accountability for incidents of violence against children in the justice system, including by adopting and implementing effective measures to enhance integrity and prevent corruption;

(b) To establish internal and external accountability mechanisms in policing and in places of detention;

(c) To establish all key elements of an effective accountability system, including independent national oversight, monitoring and complaint mechanisms for agencies dealing with children;

(d) To ensure the independent, prompt and effective investigation and prosecution of offences involving violence against children within the justice system;

(e) To ensure that all public officials who are found to be responsible for violence against children are held accountable through workplace disciplinary measures, termination of employment and criminal justice investigations, where appropriate;

(f) To promote transparency and public accountability regarding all measures taken to hold accountable perpetrators of violence and those who are responsible for preventing such violence;

(g) To undertake criminal or other public investigations into all serious reports of violence against children at any stage of the justice process, and to ensure that such investigations are carried out by persons of integrity, are adequately funded and are completed without undue delay.

**Draft resolution V**

## Rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015

*The General Assembly*,

*Reaffirming* its commitment to the purposes and principles of the Charter of the United Nations and international law,

*Reaffirming also* its commitment to the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels,[60]

*Strongly determined* to reinvigorate political will and to raise the level of the international community's commitment to moving the sustainable development agenda forward, through the achievement of internationally agreed development goals, including the Millennium Development Goals,

*Reaffirming* the necessity of respecting and protecting human rights and fundamental freedom in the prevention of crime and the administration of and access to justice, including criminal justice,

*Taking note* of the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015",[61] and noting the recommendations of the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda,

[60] General Assembly resolution 67/1.
[61] A/68/202 and Corr.1.

*Taking note also* of the activity of the open working group on sustainable development goals,

*Taking note further* of the thematic and national consultations on the post-2015 United Nations development agenda organized by the United Nations Development Group in many countries,

*Reiterating* that the rule of law and development are interrelated and mutually reinforcing and that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

*Reiterating also* that transnational crime must be addressed with full respect for the principles of the sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States, and in accordance with the rule of law, as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions and, in that regard, stressing again the importance of encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime, and to address such factors in a holistic manner, while emphasizing that crime prevention should be an integral element of strategies to foster social and economic development in all States,

*Stressing* the importance of a well-functioning, efficient, fair, effective and humane criminal justice system as the basis for a successful strategy against transnational organized crime, corruption, terrorism, drug trafficking and other forms of trafficking,

*Recalling* its resolution 67/186 of 20 December 2012, entitled "Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking" and its resolution 68/188 of 18 December 2013, entitled "The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015",

*Acknowledging* the centrality of crime prevention and the criminal justice system to the rule of law, and also acknowledging that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other, as stated in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World of 2010,[62]

*Reaffirming* the importance of promoting the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[63] the United Nations Convention against Corruption[64] and the United

[62] General Assembly resolution 65/230, annex.
[63] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.
[64] Ibid., vol. 2349, No. 42146.

Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[65]

*Reaffirming also* the importance of relevant international anti-terrorism instruments, as appropriate, and drawing on the existing United Nations standards and norms in crime prevention and criminal justice,

*Recalling* General Assembly resolution 63/23 of 17 November 2008, entitled "Promoting development through the reduction and prevention of armed violence",

*Concerned* about the serious threat that violence related to transnational organized crime poses to development and the rule of law, security and well-being of communities, hindering the achievement of the Millennium Development Goals by reducing national income and productivity, diverting investment and rolling back hard-won development gains, and recognizing that comprehensive crime prevention strategies can contribute to addressing those challenges effectively,

*Recognizing* the importance of ensuring that women and girls, on the basis of gender equality, fully enjoy the benefits of the rule of law, and committed to using law to uphold equal rights and ensure their full and equal participation,

*Welcoming* the conference entitled the Bangkok Dialogue on the Rule of Law, hosted by the Government of Thailand in Bangkok on 15 November 2013, which discussed the rule of law, crime prevention and criminal justice as a substantive contribution to the discussion on the post-2015 development agenda,

*Taking note* of the publication of the study paper entitled "Accounting for security and justice in the post-2015 development agenda", issued by the United Nations Office on Drugs and Crime in 2013,

*Taking note also* of the publication of the *Global Study on Homicide 2013: Trends, Contexts, Data* by the United Nations Office on Drugs and Crime,

*Taking into consideration* that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

*Convinced* that respect for and promotion of the rule of law, both nationally and internationally, are essential elements in addressing and preventing transnational organized crime and corruption, and noting that the rule of law requires strong and efficient justice sector coordination, as well as effective inter-agency cooperation and coordination with other relevant United Nations offices and activities,

1. *Recognizes* the cross-cutting nature of the rule of law, crime prevention and criminal justice and development, and recommends that such linkages and interrelationships be properly addressed and further elaborated;

2. *Underscores* that the discussions on the post-2015 development agenda should take into account respect for and promotion of the rule of law, and that crime prevention and criminal justice have an important role in that regard, giving due

[65] Ibid., vol. 1582, No. 27627.

consideration to the work of the Commission on Crime Prevention and Criminal Justice in order to channel, as appropriate, its contribution to the discussions on the post-2015 development agenda, in close consultation with all relevant stakeholders;

3. *Encourages* Member States, in their deliberations on the post-2015 development agenda, to give due consideration to the rule of law, crime prevention and criminal justice, while promoting universal respect for human rights and strengthening relevant national institutions;

4. *Requests* the United Nations Office on Drugs and Crime, as a member of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, to continue to contribute analytical inputs and expertise to the work of the Task Team and to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session on the results of this work;

5. *Stresses* the importance of a comprehensive approach to transitional justice, incorporating the wide range of judicial and non-judicial measures to ensure accountability and promote reconciliation while protecting the rights of victims of crime and of abuse of power, drawing on the work of the United Nations Office on Drugs and Crime, in accordance with its mandates, to support criminal justice reforms and strengthen the rule of law at the national and international levels;

6. *Also stresses* the need for government institutions, the judicial system and the legislative system to be gender sensitive and for the continued promotion of the full participation of women in such institutions;

7. *Further stresses* the importance of promoting the design and implementation of national and regional strategies and policies, as appropriate, on the rule of law, crime prevention and criminal justice as an effective and coordinated response to transnational organized crime, particularly in connection with new and emerging forms of transnational organized crime;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in developing comprehensive crime prevention strategies, to address violence related to transnational organized crime, including urban crime, and to continue to support exchange of expertise and good practices, with the support of civil society, as appropriate;

9. *Welcomes* the efforts of the United Nations Office on Drugs and Crime to assist Member States in improving systems for collecting and analysing data on crime prevention and criminal justice at all levels, where necessary, including gender-specific data, in order to contribute, where appropriate, to the post-2015 development agenda;

10. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to continue to include in their work programmes the issues of the rule of law, crime prevention and criminal justice, as well as to consider exploring the challenges posed by violence related to transnational organized crime, and encourages them to develop appropriate training material;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to submit, through the Commission on Crime Prevention and Criminal Justice, to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution.

**Draft resolution VI**

## International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences

*The General Assembly*,

*Recalling* its resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking",

*Recalling also* the United Nations Convention against Transnational Organized Crime, adopted in its resolution 55/25 of 15 November 2000,[66] as well as the United Nations Convention against Corruption, adopted in its resolution 58/4 of 31 October 2003,[67]

*Recalling further* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[68] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[69] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[70] and the two Protocols thereto, adopted on 14 May 1954[70] and 26 March 1999,[71] and other relevant conventions, and reaffirming the necessity for those States which have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

*Alarmed* at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through all kinds of markets, inter alia in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported with the facilitation of modern and sophisticated technologies,

*Recognizing* the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

[66] Ibid., vol. 2225, No. 39574.
[67] Ibid., vol. 2349, No. 42146.
[68] Ibid., vol. 823, No. 11806.
[69] Ibid., vol. 2421, No. 43718.
[70] Ibid., vol. 249, No. 3511.
[71] Ibid., vol. 2253, No. 3511.

*Recalling* the report of the Secretary-General on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,[72]

*Welcoming* the initiatives promoted within the United Nations crime prevention and criminal justice programme network and the cooperative network established among the United Nations Office on Drugs and Crime of the Secretariat, the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law, the World Customs Organization and the International Council of Museums in the area of protection against trafficking in cultural property, and encouraging those entities to continue playing an active role in that area,

*Recalling* that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and considering that one of the workshops to be held within the framework of the Congress will focus on strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation,

*Reiterating* the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting cultural property, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

*Recognizing* that, in its resolution 66/180, it requested the United Nations Office on Drugs and Crime, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization, INTERPOL and other competent international organizations, to further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property,

*Recognizing also* that, in its resolution 68/186, it welcomed the progress made in exploring the development of non-binding guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, stressed the need for their expeditious finalization, bearing in mind the importance of the matter for all Member States, and requested the United Nations Office on Drugs and Crime to reconvene the expert group on protection against trafficking in cultural property for Member States to review and revise the draft guidelines, with a view to finalizing and submitting the draft guidelines to the Commission on Crime Prevention and Criminal Justice at its twenty-third session,

*Recognizing further* that the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, can be

[72] E/CN.15/2013/14.

considered by Member States in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations,

1. *Welcomes* the work of the meeting of the expert group on protection against trafficking in cultural property held in Vienna from 15 to 17 January 2014 to finalize the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences;

2. *Adopts* the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, and underlines that those Guidelines represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences;

3. *Strongly encourages* Member States to apply the Guidelines to the maximum extent possible, where appropriate, in view of strengthening international cooperation in this field;

4. *Encourages* Member States to undertake efforts to overcome practical difficulties in the implementation of the Guidelines in their constant endeavour to combat trafficking in cultural property, in all situations and on the basis of common and shared responsibility;

5. *Strongly encourages* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices related to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the Guidelines, in order to ensure their adequacy for preventing and combating trafficking in cultural property and related offences;

6. *Invites* Member States and other relevant stakeholders attending the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to discuss good practices and challenges in promoting international cooperation to combat trafficking in cultural property under workshop 3 (Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation);

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide advisory services and technical assistance to Member States, upon request, in the area of crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences, in cooperation with relevant international organizations and making use of the work of the institutes of the United Nations crime prevention and criminal justice programme network, as appropriate;

8. *Also requests* the United Nations Office on Drugs and Crime to make the Guidelines widely available, including through the development of relevant tools, such as handbooks and training manuals;

9. *Further requests* the United Nations Office on Drugs and Crime, where appropriate, in consultation with Member States, to develop a practical assistance tool to assist in the implementation of the Guidelines, taking into consideration the technical background document developed for the elaboration of the Guidelines and the comments made by Member States;

10. *Invites* Member States to use all relevant tools developed by the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization, including the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal and the United Nations Educational, Scientific and Cultural Organization database of national cultural heritage laws, and also invites Member States to provide to the Secretariat legislation and case law related to trafficking in cultural property, for inclusion in the portal;

11. *Also invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

**Annex**

**International Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences**

**Introduction**

1. The guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences have been developed in recognition of the criminal character of such offences and their devastating consequences for the cultural heritage of humankind. Pursuant to General Assembly resolutions 66/180 and 68/186 and Economic and Social Council resolution 2010/19, draft guidelines were developed by the United Nations Office on Drugs and Crime (UNODC) in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Criminal Police Organization (INTERPOL) and other competent international organizations.

2. The first draft of the guidelines was reviewed at an informal expert group meeting, held from 21 to 23 November 2011, composed of 20 experts from around the world with expertise in various fields related to the subject matter of the guidelines, including representatives of INTERPOL, UNESCO and the International Institute for the Unification of Private Law (Unidroit). Based on the valuable comments and advice on improving the draft, a second draft was presented to and discussed by the intergovernmental expert group on protection against trafficking in cultural property at its second meeting, held from 27 to 29 June 2012. Taking into account a compendium, prepared by the Secretariat, of comments made by Member States on the draft guidelines, the intergovernmental expert group reviewed and revised the guidelines at its third meeting, held from 15 to 17 January 2014, with a view to their finalization.

3. The guidelines are based on crime prevention and criminal justice aspects of protection against trafficking in cultural property, taking into consideration a review of current practices and initiatives in several countries in addressing the problem of trafficking in cultural property, as well as principles and norms arising from the analysis of the following international legal instruments: the United Nations Convention against Transnational Organized Crime; the United Nations Convention against Corruption; the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First and Second Protocols; the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts; the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the Unidroit Convention or Stolen or Illegally Exported Cultural Objects; and the Convention on the Protection of the Underwater Cultural Heritage.

4. The present set of non-binding guidelines is available to Member States for their consideration in the development and strengthening of crime prevention and criminal justice policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations. Their development follows the expression, by the General Assembly and the Economic and Social Council in their resolutions, of alarm at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and of the need to promote international cooperation to combat crime in a concerted manner.

5. The guidelines have the purpose of serving as a reference for national policymakers and as a tool for capacity-building in the area of crime prevention and criminal justice responses to trafficking in cultural property and related offences, in coordination with UNESCO and other competent international organizations, as appropriate. On the basis of the guidelines finalized by the intergovernmental expert group and submitted to the Commission on Crime Prevention and Criminal Justice, and taking into consideration the technical background document containing the version of the guidelines dated April 2012, and the comments made by Member States, the Commission may ask the Secretariat to develop a practical assistance tool, as appropriate, to aid in the implementation of the guidelines.

6. The guidelines contain four chapters:

(a) Chapter I contains guidelines on crime prevention strategies (including information and data collection, the role of cultural institutions and the private sector, the monitoring of the cultural property market, imports and exports, and archaeological sites, as well as education and public awareness);

(b) Chapter II contains guidelines on criminal justice policies (including adherence to and implementation of relevant international treaties, the criminalization of specific harmful conduct or the establishment of administrative offences, corporate liability, seizure and confiscation and investigative measures);

(c) Chapter III contains guidelines on international cooperation (including matters related to jurisdictional basis, extradition, seizure and confiscation, and cooperation among law enforcement and investigating authorities, as well as the return, restitution or repatriation of cultural property);

(d) Chapter IV contains a guideline on the scope of application of the guidelines.

## I. Prevention strategies

### A. Information and data collection

Guideline 1. States should consider establishing and developing inventories or databases, as appropriate, of cultural property for the purpose of protection against its trafficking. The absence of registration of cultural property in such inventories shall by no means exclude it from protection against trafficking and related offences.

Guideline 2. States should consider, where possible under their domestic legislation, the relevant cultural property as registered in the official inventory of a State that has enacted laws on national or State ownership, provided that the owner State has issued a public formal statement to that effect.

Guideline 3. States should consider:

(a) Introducing or improving statistics on import and export of cultural property;

(b) Introducing or improving statistics, where practical, on administrative and criminal offences against cultural property;

(c) Establishing or improving national databases, as appropriate, on trafficking in cultural property and related offences and on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded or missing cultural property;

(d) Introducing mechanisms to enable the reporting of suspicious dealings or sales on the Internet;

(e) Contributing to international data collection on trafficking in cultural property and related offences through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems, conducted by UNODC, and the INTERPOL database on stolen works of art and through other relevant organizations;

(f) Contributing to the UNESCO database of national laws and regulations pertaining to cultural property.

Guideline 4. States should consider, as appropriate, establishing a central national authority or empowering an existing authority and/or enacting other mechanisms for coordinating the activities related to the protection of cultural property against trafficking and related offences.

### B. The role of cultural institutions and the private sector

Guideline 5. States should consider encouraging cultural institutions and the private sector to adopt codes of conduct and to disseminate best practices on policies on the acquisition of cultural property.

Guideline 6. States should encourage cultural institutions and the private sector to report suspected trafficking in cultural property cases to law enforcement authorities.

Guideline 7. States should consider promoting and supporting training on cultural property regulations for cultural institutions and the private sector, in cooperation with relevant international organizations, including rules on the acquisition of cultural property.

Guideline 8. States should encourage, as appropriate, Internet providers and web-based auctioneers and vendors to cooperate in preventing trafficking in cultural property, including through the adoption of specific codes of conduct.

### C. Monitoring

Guideline 9. States should consider, in accordance with the relevant international instruments, introducing and implementing appropriate import and export control procedures, such as certificates for the export and import of cultural property.

Guideline 10. States should consider creating and implementing monitoring measures for the market of cultural property, including for the Internet.

Guideline 11. States should, where possible, create and implement programmes for research, mapping and surveillance of archaeological sites for the purpose of protecting them against pillage, clandestine excavation and trafficking.

### D. Education and public awareness

Guideline 12. States should consider supporting and promoting public awareness campaigns, including through the media, to foster among the general public a culture of concern about trafficking in cultural property, for the purpose of protecting that cultural property against pillage and trafficking.

## II. Criminal justice policies

### A. International legal texts

Guideline 13. States should consider adopting legislation criminalizing trafficking in cultural property and related offences in accordance with applicable existing international instruments, in particular the Organized Crime Convention, relating to trafficking in cultural property and related offences.

Guideline 14. In bilateral cooperation, States may consider making use of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.[a]

[a] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

## B. Criminal and administrative offences

Guideline 15. States should consider defining the concept of "cultural property", including movable and immovable cultural property, when necessary, for the purposes of criminal law.

Guideline 16. States should consider criminalizing, as serious offences, acts such as:

(a) Trafficking in cultural property;

(b) Illicit export and illicit import of cultural property;

(c) Theft of cultural property (or consider elevating the offence of ordinary theft to a serious offence when it involves cultural property);

(d) Looting of archaeological and cultural sites, and/or illicit excavation;

(e) Conspiracy or participation in an organized criminal group for trafficking in cultural property and related offences;

(f) Laundering, as referred to in article 6 of the Organized Crime Convention, of trafficked cultural property.

Guideline 17. States should consider introducing in their criminal legislation other offences, such as damaging or vandalizing cultural property or acquiring, with conscious avoidance of the legal status, trafficked cultural property, when such offences are related to trafficking in cultural property.

Guideline 18. States should consider introducing obligations, as appropriate, to report suspected cases of trafficking of and related offences against cultural property, and to report the discovery of archaeological sites, archaeological finds or other objects of relevant cultural interest, and, for those States that have done so, to criminalize the failure to meet those obligations.

Guideline 19. States should consider making it possible, in a way not contradictory to their fundamental legal principles, to infer a perpetrator's knowledge that an object has been reported as trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded, on the basis of objective factual circumstances, including, when the cultural property is registered as such in a publicly accessible database.

## C. Criminal and administrative sanctions

Guideline 20. States should consider providing proportionate, effective and dissuasive sanctions for the above-mentioned criminal offences.

Guideline 21. States may consider adopting custodial sanctions for some selected criminal offences so as to meet the standard, required under article 2 (b) of the Organized Crime Convention, for "serious crime".

Guideline 22. States should consider the adoption of bans and disqualifications, and the revocation of licences, as complementary criminal or administrative sanctions whenever possible.

### D. Corporate liability

Guideline 23. States should consider introducing or extending liability (criminal, administrative or civil in nature) of corporations or legal persons for the above-mentioned offences.

Guideline 24. States should consider introducing proportionate, effective and dissuasive sanctions for corporate offences of trafficking in cultural property and related offences, including fines, bans or disqualifications, revocation of licences, and revocation of benefits, including tax exemptions or government subsidies, where possible.

### E. Seizure and confiscation

Guideline 25. States should consider introducing criminal investigation and the search, seizure and confiscation of trafficked cultural property, as well as the proceeds of crimes related to such trafficking, and ensure its return, restitution or repatriation.

Guideline 26. States should consider, in a way not contradictory to their fundamental legal principles, the possibility of requiring that the alleged offender, the owner or the holder (if different) demonstrate the lawful origin of cultural property liable to seizure or confiscation for trafficking or related offences.

Guideline 27. States should consider introducing confiscation of the proceeds of the offence or of property of a value equivalent to such proceeds.

Guideline 28. States may consider using confiscated economic assets for financing expenses for recovery and other prevention measures.

### F. Investigations

Guideline 29. States should consider creating specialized law enforcement bodies or units, as well as providing specialized training for customs officials, law enforcement personnel and public prosecutors, with regard to trafficking in cultural property and related offences.

Guideline 30. States should consider enhancing coordination, at both the national and international levels, among law enforcement bodies in order to increase the probability of discovering and successfully investigating trafficking in cultural property and related offences.

Guideline 31. States may consider, in the investigation of the above-mentioned offences, especially if related to organized crime, allowing for the appropriate use by their competent authorities of controlled delivery and other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within their territory, and allowing for the admissibility in court of evidence derived therefrom.

## III. Cooperation

### A. Jurisdiction

Guideline 32. States should consider establishing their jurisdiction over the above-mentioned criminal offences when such offences are committed within their territory or when committed outside their territory by one of their nationals, in a manner consistent with the principles of sovereign equality, the territorial integrity of States and non-intervention in the domestic affairs of other States, as enshrined in the Charter of the United Nations and the Organized Crime Convention.

### B. Judicial cooperation in criminal matters

Guideline 33. States that have not yet done so should consider becoming parties to existing international law instruments, in particular the Organized Crime Convention, and use them as a basis for international cooperation in criminal matters in respect of trafficking in cultural property and related offences.

Guideline 34. States should consider providing each other with the widest possible mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the above-mentioned offences, also in order to enhance the effectiveness and speed of the procedures.

Guideline 35. States should contribute to and regularly update the UNESCO database of national cultural heritage laws and any other relevant database.

### C. Extradition

Guideline 36. States should consider making the crimes against cultural property enumerated in guideline 16 extraditable offences. In the context of extradition procedures, States should also consider adopting and applying, where possible, provisional measures to preserve the cultural property related to the alleged offence for the purpose of restitution.

Guideline 37. States should consider enhancing the effectiveness and speed of extradition for trafficking in cultural property and related offences, where such offences are considered extraditable.

Guideline 38. States should consider, in the case of refusal of extradition only on the basis of nationality, submitting the case, when requested by the State that had sought extradition, to the competent authority in order to consider prosecution.

### D. International cooperation for purposes of seizure and confiscation

Guideline 39. States should consider cooperating in identifying, tracing, seizing and confiscating trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property.

Guideline 40. States may consider putting in place mechanisms to enable the contribution of confiscated financial assets to international or intergovernmental bodies concerned with the fight against transnational organized crime, including trafficking in cultural property and related offences.

### E. International cooperation among law enforcement and investigating authorities

Guideline 41. States should consider enhancing the exchange of information on trafficking in cultural property and related offences by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property, and/or contributing to international ones.

Guideline 42. States should consider, where appropriate, in the framework of international judicial cooperation, enhancing the exchange of information on previous convictions and ongoing investigations relating to trafficking in cultural property and related offences.

Guideline 43. States should consider concluding bilateral or multilateral agreements or arrangements in order to establish joint investigative teams for trafficking in cultural property and related offences.

Guideline 44. States should consider assisting each other in planning and implementing specialized training programmes for law enforcement personnel.

Guideline 45. States should consider enhancing or establishing privileged channels of communication between their law enforcement agencies.

### F. Return, restitution or repatriation

Guideline 46. States should consider, in order to enhance international cooperation in criminal matters, undertaking appropriate measures to recover trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property for the purpose of their return, restitution or repatriation.

Guideline 47. States should consider pondering, procedurally, as appropriate, the owner State's provisions on national or State ownership in order to facilitate the return, restitution or repatriation of public cultural property.

## IV. Scope of application

Guideline 48. States should consider applying the guidelines in any situations, including exceptional circumstances, that foster trafficking in cultural property and related offences, in the framework of the above-mentioned conventions and other relevant international instruments.

## B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

**Draft resolution I**

### Strengthening social policies as a tool for crime prevention

*The Economic and Social Council,*

*Considering* the importance of adopting effective policies, programmes and actions to prevent and confront crime, violence and insecurity, including measures for the protection of individuals and groups in vulnerable situations,

*Recognizing* the importance of integrating crime prevention considerations into all relevant social and economic policies and programmes, placing particular emphasis on communities, families, children and youth,

*Recognizing also* that States should encourage partnerships between all appropriate levels of Government and relevant stakeholders within civil society, aimed at ensuring the strengthening and sustainability of effective crime prevention strategies, programmes and initiatives, as appropriate, and at promoting a culture of peace and non-violence,

*Emphasizing* that public security policies should encourage measures for addressing the multiple causes of crime, violence and insecurity,

*Recognizing* that the development and adoption of crime prevention policies and programmes, and their monitoring and evaluation, are the responsibility of States, and reaffirming that such efforts should be based on a participatory, collaborative and integrated approach that involves all relevant stakeholders, including those from civil society,[73]

*Recognizing also* the importance of strengthening public-private partnerships in preventing crime in all its forms and manifestations, through joint and coordinated programmes,

*Mindful* of the prevention provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[74] and the United Nations Convention against Corruption,[75] as well as relevant standards and norms on crime prevention and criminal justice, in particular the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[76] the guidelines for cooperation and technical assistance in the field of urban crime prevention,[77] the Guidelines for the Prevention of Crime[78] and the updated Model Strategies and

[73] See Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (General Assembly resolution 65/230, annex), para. 33.

[74] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[75] Ibid., vol. 2349, No. 42146.

[76] General Assembly resolution 45/112, annex.

[77] Economic and Social Council resolution 1995/9, annex.

[78] Economic and Social Council resolution 2002/13, annex.

Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,[79]

*Welcoming* the work of the United Nations Office on Drugs and Crime in the area of crime prevention, including the development of technical tools and the provision of technical assistance to requesting Member States, in particular in the field of statistics and data collection and analysis in support of violence and crime prevention policies,

*Underlining* the need for all States to implement in a comprehensive, integrated and participatory manner crime prevention strategies, policies and programmes that address the multiple risk factors of both crime and victimization, based on the best available evidence and good practices, as an integral element of strategies to foster comprehensive social and economic development,

1. *Encourages* Member States to develop and implement, as appropriate, comprehensive policies and programmes that, by fostering social development, are aimed at the prevention of crime and violence and that address the multiple factors that contribute to crime and victimization, in close cooperation with relevant stakeholders, including civil society, and based on available evidence and good practices;

2. *Invites* Member States to consider, when developing crime prevention programmes, such issues as social inclusion, the strengthening of the social fabric, access to justice, social reintegration of offenders and access to health and education services, to consider the needs of victims of crime when developing those programmes, and to promote a culture of lawfulness and the well-being of individuals, with a particular emphasis on children and youth;

3. *Encourages* Member States to review and update, where appropriate, existing crime prevention strategies and to ensure that their effectiveness is measurable, in order to respond to the needs of the population and society as a whole;

4. *Urges* Member States to create and implement crime prevention policies and programmes designed to promote, inter alia, the participation of youth in achieving safer and more just, democratic and cohesive societies;

5. *Invites* Member States to exchange successful experiences and best practices in crime prevention with other Member States, thus promoting regional cooperation and coordination in crime prevention, with a view to addressing shared challenges through a comprehensive approach, in order to achieve significant long-term progress in this field;

6. *Encourages* Member States to coordinate crime prevention measures by assigning them to appropriate government bodies or, as necessary, creating a dedicated body that addresses and studies ways of strengthening social policies for crime prevention;

7. *Commends* the United Nations Office on Drugs and Crime for its development of tools and facilitation of technical assistance programmes, urges the Office to continue strengthening such programmes, and calls upon the Organization,

[79] General Assembly resolution 65/228, annex.

upon request by Member States, to support the sharing of successful experiences and best practices between Member States;

8. *Recommends* that, in order to deepen cooperation and coordination among Member States, the issue of social policies for the prevention of violence and crime should be included as a matter of particular importance within the work of the Commission;

9. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

**Draft resolution II**

## Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and the post-2015 development agenda

*The Economic and Social Council,*

*Recalling* General Assembly resolution 61/16 of 20 November 2006, in which the Assembly reaffirmed the role that the Charter of the United Nations and the General Assembly had vested in the Economic and Social Council, and recognized the need for a more effective Council as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development, as well as for implementation of the international development goals agreed at the major United Nations conferences and summits, including the Millennium Development Goals,

*Recalling also* that, through its resolution 68/1 of 20 September 2013, the General Assembly decided that the Economic and Social Council should base its annual programme of work on a main theme that would, inter alia, be decided by the Council based on inputs from its subsidiary bodies, as well as Member States, and that an integration segment should be held annually, the main functions of which would be to consolidate all the inputs of Member States, the subsidiary bodies of the Council, the United Nations system and other relevant stakeholders and to promote the balanced integration of the three dimensions of sustainable development, namely social, environmental and economic,

*Recognizing* the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, as set out in General Assembly resolution 67/184 of 20 December 2012, including the decision that the main theme of the Congress would be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

1. *Invites* Member States, international organizations and all relevant stakeholders to provide to the United Nations Office on Drugs and Crime their views regarding the contribution that the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, considering its main theme, could make to the discussions on the post-2015 development agenda, while respecting the process

established by the General Assembly, and requests the Office to report to the Congress on that matter;

2. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations.

**Draft resolution III**

## Strengthening international cooperation in addressing the smuggling of migrants

*The Economic and Social Council,*

*Convinced* of the need to provide migrants with humane treatment and full protection of their rights,

*Expressing its deepest concern* over the negative impact of the smuggling of migrants on society and the rule of law and over the fact that individual migrants have lost their lives in dangerous smuggling operations, and commending all those who have dedicated themselves to protecting and assisting smuggled migrants, whose lives or safety are endangered by reason of being the object of such conduct,

*Expressing its deepest concern also* about the increase in the activities of transnational and national organized cri inal entities and others that profi from the smuggling of migrants, especially women and children, and related offences,

*Recalling* General Assembly resolutions 66/128 of 19 December 2011, entitled "Violence against women migrant workers", 66/172 of 19 December 2011, entitled "Protection of migrants", 67/185 of 20 December 2012, entitled "Promoting efforts to eliminate violence against migrants, migrant workers and their families", 67/219 of 21 December 2012, entitled "International migration and development", 68/4 of 3 October 2013, entitled "Declaration of the High-level Dialogue on International Migration and Development", and 68/193 of 18 December 2013, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity",

*Recognizing* that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, and also recognizing that this cross-cutting phenomenon should be addressed in a coherent, comprehensive and balanced manner, while respecting human rights and integrating development aspects, with due regard for social, economic and environmental dimensions,

*Underlining* the challenges posed by the smuggling of migrants by land, sea and air, as illustrated by events at the global level,

*Bearing in mind* the obligations of States under applicable international law to exercise due diligence to prevent and combat the smuggling of migrants and to investigate and punish perpetrators, notwithstanding the obligation of States to protect the rights and respect the dignity of smuggled migrants under applicable international law,

*Recognizing* the sovereign right of States to enact and implement migration and border security measures, without prejudice to applicable international commitments in relation to the free movement of people,

*Recognizing also* the need for more effective international information-sharing, law enforcement cooperation and mutual legal assistance to prevent and combat the smuggling of migrants,

*Recalling* that migrants shall not be liable to criminal prosecution under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[80] for the fact of having been the object of conduct set out in article 6 of the Protocol, and that nothing in the Protocol prevents a State party from taking measures against a person whose conduct constitutes an offence under its domestic law,

*Bearing in mind* the need for a focused and consistent criminal justice approach to the smuggling of migrants and related offences,

*Underlining* that, although the crime of smuggling of migrants may share, in some cases, some common features with the crime of trafficking in persons, Member States need to recognize that they are distinct crimes requiring separate and complementary legal, operational and policy responses,

*Welcoming* the work and tools of the United Nations Office on Drugs and Crime in the framework of the global programme against the smuggling of migrants, including the *Model Law against the Smuggling of Migrants*, the *International Framework for Action to Implement the Smuggling of Migrants Protocol* and the *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants*,

*Taking note* of the launch by the United Nations Office on Drugs and Crime of the voluntary reporting system on migrant smuggling and related conduct as a secure solution for collecting, sharing and analysing information on the smuggling of migrants, in support of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime,

*Recalling* that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

1. *Underlines* the need to address challenges related to the smuggling of migrants through a comprehensive and balanced approach, and through bilateral, regional and international cooperation and dialogue, as appropriate, between countries of origin, transit and destination;

2. *Stresses* the importance of enhancing preventive measures, combating criminal networks and improving border control management, without prejudice to applicable international commitments in relation to the free movement of people;

3. *Highlights* the need to promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socioeconomic realities of migration and paying

[80] United Nations, *Treaty Series*, vol. 2241, No. 39574.

special attention to economically and socially depressed areas, in order to combat the root socioeconomic causes of the smuggling of migrants, especially those related to poverty;

4. *Underlines* that international cooperation to prevent and combat the smuggling of migrants implies a common and shared responsibility among Member States;

5. *Also underlines* the crucial role of the United Nations Convention against Transnational Organized Crime[81] and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[80] as the primary international legal instruments to combat the smuggling of migrants and related conduct;

6. *Takes note with appreciation* of the increasing level of adherence to the Smuggling of Migrants Protocol and, on the tenth anniversary of its entry into force, urges States parties to implement it fully, and encourages States that have not done so to consider ratifying or acceding to the Protocol;

7. *Urges* Member States, where appropriate, to adopt measures to increase public awareness of the fact that the smuggling of migrants is a criminal activity frequently perpetrated by organized criminal groups for profit, posing serious risks to the migrants concerned;

8. *Stresses* the need to develop national and, as appropriate, regional policies and strategies against the smuggling of migrants and to reinforce international cooperation for the prevention of the crime and for the prosecution of smugglers, in accordance with national laws and legislation;

9. *Encourages* Member States to adopt relevant measures, including, if necessary, reviewing relevant legislation, including criminal legislation, and to criminalize the acts covered by the Organized Crime Convention and the Smuggling of Migrants Protocol, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence;

10. *Urges* Member States, as appropriate, to avail themselves of the international cooperation framework provided by the Organized Crime Convention, the Smuggling of Migrants Protocol and other applicable international legal instruments, in order to ensure that they have an adequate legal framework to allow for extradition, mutual legal assistance and other cooperation tools in relation to such crimes;

11. *Encourages* Member States to cooperate with each other and with relevant international organizations to the fullest extent possible, in accordance with articles 18 and 19 of the Smuggling of Migrants Protocol and applicable obligations under relevant international law;

12. *Also encourages* Member States to ensure that, in investigating and prosecuting the smuggling of migrants, the concurrent undertaking of financial investigations is considered, with a view to tracing, freezing and confiscating proceeds acquired through that crime, and to consider the smuggling of migrants to be a predicate offence of money-laundering;

[81] Ibid., vol. 2225, No. 39574.

13. *Further encourages* Member States to take measures to protect witnesses in cases of smuggling of migrants, as called for in the Organized Crime Convention, to take appropriate measures to provide for the effective protection of witnesses who testify in criminal proceedings and, as appropriate, their relatives, including protection from potential retaliation, and to strengthen international cooperation in this area;

14. *Encourages* Member States to promote the reliable collection of data and research, at the national and, as appropriate, the regional and international levels, on the smuggling of migrants, including on smuggling networks and the involvement of organized crime in countries of origin, transit and destination, and on the possible links that may exist between smuggling of migrants and other criminal activities;

15. *Also encourages* Member States to consider strengthening multi-agency cooperation and coordination at the national, bilateral and, where appropriate, regional levels, and to consider, if necessary, the establishment of multi-agency centres for the purpose of data collection, strategic analysis and information-sharing in order to detect, prevent and combat the smuggling of migrants, in accordance with national legislation;

16. *Further encourages* Member States to exchange information, as appropriate, on best practices to promote cooperation to prevent and combat the smuggling of migrants and coordination to investigate and prosecute the smuggling of migrants, in accordance with applicable domestic and international law;

17. *Encourages* Member States to use existing channels for information exchange, such as those provided by the International Criminal Police Organization (INTERPOL), to exchange information, in a manner consistent with domestic law, including information on persons convicted or suspected of conducting or facilitating the smuggling of migrants;

18. *Notes* the roles and responsibilities of countries of origin, transit and destination in protecting the rights of smuggled migrants and the need to avoid approaches that might aggravate their vulnerability, and reaffirms the need to effectively protect the rights and respect the dignity of smuggled migrants and internationally recognized principles of non-discrimination and other applicable obligations under relevant international law, taking into account the special needs of women and children, especially unaccompanied children;

19. *Stresses* the primary role of the State in overcoming the challenges posed by the smuggling of migrants, and recognizes the important contribution of non-governmental organizations, other relevant organizations and other elements of civil society in protecting and assisting smuggled migrants;

20. *Invites* Member States to fully utilize all relevant tools developed by the United Nations Office on Drugs and Crime within the global programme against the smuggling of migrants and the relevant regional and national programmes, including the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal, and also invites Member States to provide to the Secretariat legislation and case law related to the smuggling of migrants, for inclusion in that portal;

21. *Also invites* Member States, through bilateral, regional and international cooperation, where appropriate, to collaborate to prevent and combat the smuggling

of migrants through the provision of assistance, including technical assistance, upon request, with a view to building capacities and enhancing abilities to prevent and combat the smuggling of migrants;

22. *Encourages* Member States to provide specialized training for law enforcement, immigration and border control officials and coastguard personnel, as well as forensic experts, prosecutors and judges, so that they are better able to recognize and deal with issues related to the smuggling of migrants;

23. *Encourages* the United Nations Office on Drugs and Crime to continue providing, upon request, technical assistance aimed at strengthening the capacity of Member States to criminalize, investigate and prosecute the smuggling of migrants, and invites Member States to consider and to draw upon the *International Framework for Action to Implement the Smuggling of Migrants Protocol*, the *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*[82] and the *In-depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants*;

24. *Requests* the United Nations Office on Drugs and Crime to strengthen collaboration and cooperation with all relevant bodies, agencies, funds and programmes of the United Nations system, other relevant intergovernmental, regional and subregional organizations, including Global Migration Group members, within their respective mandates, in order to adopt a coherent, comprehensive and coordinated approach and thus to fully address the challenges posed by the smuggling of migrants;

25. *Encourages* Member States to make the best use of the relevant work and initiatives of the institutes of the United Nations crime prevention and criminal justice programme network in order to promote regional and international cooperation against the smuggling of migrants;

26. *Encourages* Member States and the United Nations Office on Drugs and Crime to promote cooperation on the most effective ways to prevent and combat the smuggling of migrants, in view of, among other things, the workshop on the topic "Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims", to be held within the framework of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;

27. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

28. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

[82] United Nations publication, Sales No. E.10.IV.7.

## C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

**Draft decision I**

### Report of the Commission on Crime Prevention and Criminal Justice on its twenty-third session and provisional agenda for its twenty-fourth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its twenty-third session;

(b) Reaffirms Commission decision 21/1 of 27 April 2012 and takes note of Commission decision 22/2 of 26 April 2013;

(c) Approves the provisional agenda for the twenty-fourth session set out below.

**Provisional agenda for the twenty-fourth session of the Commission on Crime Prevention and Criminal Justice**

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Strategic management, budgetary and administrative questions:
   (a) Work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;
   (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme;
   (c) Working methods of the Commission.
4. Thematic discussion on follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.
5. Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
   (a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
   (b) Ratification and implementation of the United Nations Convention against Corruption;
   (c) Ratification and implementation of the international instruments to prevent and combat terrorism;
   (d) Other crime prevention and criminal justice matters;

(e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies.

6. Use and application of United Nations standards and norms in crime prevention and criminal justice.

7. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.

8. Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.

9. Provisional agenda for the twenty-fifth session of the Commission.

10. Other business.

11. Adoption of the report of the Commission on its twenty-fourth session.

**Draft decision II**

### Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the reappointment of Stuart Page (Australia) and the appointment of Carlos Castresana (Spain), Mohammed Hanzab (Qatar) and Joel Antonio Hernández García (Mexico) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

## D. Matters brought to the attention of the Economic and Social Council

4. The following resolutions and decisions adopted by the Commission on Crime Prevention and Criminal Justice are brought to the attention of the Economic and Social Council:

**Resolution 23/1**

### Strengthening a targeted crime prevention and criminal justice response to combat illicit trafficking in forest products, including timber

*The Commission on Crime Prevention and Criminal Justice,*

*Reaffirming* its resolution 16/1 of 27 April 2007, entitled "International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources", in which, inter alia, the Commission strongly encouraged Member States to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate illicit

international trafficking in forest products, including timber, wildlife and other forest biological resources, where appropriate, through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime[83] and the United Nations Convention against Corruption,[84]

*Recognizing* the role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora[85] as the principal international instrument for ensuring that international trade in specimens of wild animals and plants does not threaten their survival, and also recognizing the efforts made to implement that Convention by the parties thereto,

*Recalling* General Assembly resolution 62/98 of 17 December 2007, by which the Assembly adopted the non-legally binding instrument on all types of forests, contained in the annex to that resolution, in particular paragraphs 7 (h), (i) and (j) of the instrument,

*Recalling also* Economic and Social Council resolution 2008/25 of 24 July 2008, in which the Council encouraged Member States to continue to provide the United Nations Office on Drugs and Crime with information on measures taken pursuant to Commission on Crime Prevention and Criminal Justice resolution 16/1, taking into consideration, inter alia, the need for holistic and comprehensive national multisectoral approaches to preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as for international coordination and cooperation in support of such approaches, including through technical assistance activities to build the capacity of relevant national officials and institutions,

*Recalling further* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[86] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the States Members of the United Nations acknowledged the challenge posed by emerging forms of crime that have a significant impact on the environment, encouraged Member States to strengthen their national crime prevention and criminal justice legislation and invited them to enhance international cooperation, technical assistance and the sharing of best practices in that area, and invited the Commission on Crime Prevention and Criminal Justice to study the nature of the challenge and ways to deal with it effectively,

*Recalling* Economic and Social Council resolution 2011/36 of 28 July 2011, in which the Council invited Member States to consider making illicit trafficking in endangered species of wild fauna and flora a serious crime, in accordance with their national legislation and article 2, paragraph (b), of the Organized Crime Convention, especially when organized criminal groups were involved,

*Emphasizing* Economic and Social Council resolution 2012/19 of 26 July 2012, in which the Council urged Member States to consider, among other effective measures, in accordance with their national legal systems, addressing different

[83] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[84] Ibid., vol. 2349, No. 42146.
[85] Ibid., vol. 993, No. 14537.
[86] General Assembly resolution 65/230, annex.

forms and manifestations of transnational organized crime that had a significant impact on the environment, including trafficking in endangered species of wild fauna and flora,

*Reaffirming* Economic and Social Council resolution 2013/40 of 25 July 2013, in which the Council encouraged Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the Organized Crime Convention, in order to ensure that adequate and effective means of international cooperation could be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in protected species of wild fauna and flora,

*Reaffirming also* that in its resolution 68/193 of 18 December 2013, the General Assembly emphasized that coordinated action was critical to eliminate corruption and disrupt the illicit networks that drove and enabled trafficking in wildlife, timber and timber products harvested in contravention of national laws,

*Recalling* that, in that same resolution, the General Assembly strongly encouraged Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments,

*Recognizing* that efforts to prevent and address illicit trafficking in forest products, including timber, should take into consideration and involve, where applicable, supply, transit, production and demand,

*Recognizing also* that efforts to prevent and address illicit trafficking in forest products, including timber, should take into consideration the need for alternative sustainable livelihoods,

*Mindful* of the need to address illicit trafficking in forest products, including timber, which contributes to deforestation and forest degradation, which in turn have an adverse impact on biodiversity, climate, livelihoods of forest-dependent communities and sustainable development,

*Recognizing* that the need to strengthen collective efforts in preventing and combating transnational organized crime, money-laundering and corruption is critical, as they can facilitate, in some cases, illicit trafficking in forest products, including timber,

*Conscious* of the need to promote initiatives to encourage legal trade by countering illicit trafficking in forest products, including timber,

*Acknowledging* the crucial role played by all relevant stakeholders, including civil society, in particular local communities, in combating illicit trafficking in forest products, including timber,

1. *Encourages* Member States to make illicit trafficking in forest products, including timber, involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the United Nations Convention against Transnational

Organized Crime,[83] where appropriate, in order to ensure that adequate and effective means of international cooperation can be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in forest products, including timber;

2. *Also encourages* Member States to undertake and promote bilateral, regional, subregional and international law enforcement cooperation, including, subject to national legislation, cooperation between law enforcement agencies, through joint investigations, including joint cross-border investigations, and the exchange of information, inter alia, information on legislation and law enforcement intelligence, to prevent and counter illicit trafficking in forest products, including timber, thereby promoting the sustainable management and conservation of forests;

3. *Strongly encourages* Member States to develop and implement, where necessary and consistent with international obligations, domestic and regional policies aimed at countering illicit trafficking in forest products, including timber;

4. *Encourages* Member States to strengthen, where necessary and appropriate, their domestic legal frameworks and law enforcement and judicial capacity, consistent with their international obligations and national legislation, to ensure that relevant legislation, including criminal laws, is available to tackle illicit trafficking in forest products, including timber;

5. *Strongly encourages* Member States to adopt adequate and effective measures, including, where appropriate, criminal laws and deterrent penalties, to prevent and combat illicit trafficking in forest products, including timber;

6. *Requests* Member States to take full advantage of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption,[84] in appropriate cases, to prevent and combat illicit trafficking in forest products, including timber, and in that regard calls upon Member States that have not done so to consider becoming parties to those Conventions and calls for their full and effective implementation by States parties;

7. *Acknowledges* the efforts of the United Nations Office on Drugs and Crime, in coordination with other members of the International Consortium on Combating Wildlife Crime, to support Member States in the implementation of the *Wildlife and Forest Crime Analytic Toolkit*,[87] aimed at strengthening, where appropriate, the capacity of relevant forest law enforcement authorities and judiciaries in investigating, prosecuting and adjudicating forest-related offences, and requests the Office to continue providing support to the Member States, upon request, in the application of the *Toolkit*;

8. *Invites* the United Nations Office on Drugs and Crime, in coordination with other United Nations bodies and intergovernmental organizations, as appropriate and within their respective mandates, to promote enforcement related to illicit trafficking in forest products, including timber, and addressing its impact on sustainable development;

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[87] United Nations Office on Drugs and Crime, *Wildlife and Forest Crime Analytic Toolkit* (Vienna, 2012).

9. *Also invites* the United Nations Office on Drugs and Crime to work with Member States and other relevant United Nations bodies to identify good practices in the area of criminal law related to illicit trafficking in forest products, including timber;

10. *Further invites* the United Nations Office on Drugs and Crime to consider cooperation with member organizations of the Collaborative Partnership on Forests to promote effective forest law enforcement and governance, including by strengthening the development of tools and technologies for addressing illicit trafficking in forest products, including timber, inviting Member States to strengthen sustainable economic alternatives as an approach to preventing and combating illicit trafficking in forest products, including timber, and strengthening support for existing instruments and programmes such as the thematic programme on forest law enforcement, governance and trade of the International Tropical Timber Organization;

11. *Encourages* the United Nations Office on Drugs and Crime, in consultation with Member States and in cooperation with relevant intergovernmental organizations, to continue to provide technical assistance and training to prevent and combat illicit trafficking in forest products, including timber, and to promote the development of tools and technologies to enhance the detection, interdiction and prosecution of such crimes, in accordance with the rules and procedures of the United Nations;

12. *Requests* the United Nations Office on Drugs and Crime, in consultation with concerned Member States and in cooperation with relevant intergovernmental organizations, to undertake research that focuses on organized criminal networks involved in illicit trafficking in forest products, including timber, and invites Member States to contribute, on a voluntary basis, to such research;

13. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session.

**Resolution 23/2**

## Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal

*The Commission on Crime Prevention and Criminal Justice,*

*Recalling* General Assembly resolution 59/156 of 20 December 2004, entitled "Preventing, combating and punishing trafficking in human organs",

*Recalling also* the report of the Secretary-General on preventing, combating and punishing trafficking in human organs,[88]

[88] E/CN.15/2006/10.

*Recalling further* the United Nations Convention against Transnational Organized Crime[89] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[90]

*Recognizing* that the United Nations Global Plan of Action to Combat Trafficking in Persons,[91] inter alia, promotes universal ratification and implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

*Taking note with appreciation* of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,

*Welcoming* the joint study by the United Nations and the Council of Europe entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,[92]

*Condemning* the involvement of criminal groups and unethical medical personnel in the unauthorized removal or implantation of organs, and the illicit sale, brokering, purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal,

*Concerned* about the exploitation by criminal groups of human vulnerability, including poverty and destitution, for the purpose of trafficking in organs and trafficking in persons for the purpose of organ removal,

*Noting with concern* that trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever it occurs, constitutes a form of exploitation and offence against the human dignity of the victims,

1. *Urges* Member States to combat trafficking in organs, by measures that may include preventing and punishing the unauthorized removal or implantation of organs and the illicit sale, brokering, purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal;

2. *Encourages* Member States to consider taking the following measures in accordance with fundamental principles of their domestic legal systems and national legislation:

(a) Review, develop or amend, as appropriate, legislative measures to combat illicit trafficking of human organs, which may include punishment of the illicit sale, brokering, purchase and other illicit transactions in respect of human organs;

(b) Strengthen regulatory oversight of relevant medical facilities and the medical personnel thereof;

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[89] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[90] Ibid., vol. 2237, No. 39574.

[91] General Assembly resolution 64/293, annex.

[92] Council of Europe and United Nations, *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs* (Strasbourg, Council of Europe, 2009).

(c) Provide training for law enforcement, border control officials and medical personnel to identify potential cases of organ trafficking and trafficking in persons for the purpose of organ removal;

(d) Conduct awareness campaigns targeted at potential donors to make them informed of their rights and the heightened health and safety risks associated with organ removal in exchange for material benefits;

3. *Also encourages* Member States to exchange experience in and information on preventing, combating and punishing trafficking in organs and trafficking in persons for the purpose of organ removal;

4. *Welcomes* the efforts made at the regional level to combat trafficking in organs and trafficking in persons for the purpose of organ removal;

5. *Requests* the United Nations Office on Drugs and Crime to conduct a study on trafficking in human organs based on the analysis of information provided by Member States for consideration by the Commission at its twenty-fifth session, and, in that regard, invites the Office to engage in a dialogue with relevant international intergovernmental organizations, where appropriate, in close consultation with Member States, to enable it to collect data and conduct an analysis of instances of organ trafficking and prosecutions of trafficking in organs, as well as collect examples of applicable legislation, while bearing in mind that the data on trafficking in persons for the purpose of organ removal is being gathered for the *Global Report on Trafficking in Persons*, in accordance with Economic and Social Council resolution 2013/41, and encourages Member States to provide, upon request, relevant information to the United Nations Office on Drugs and Crime;

6. *Invites* Member States and other donors to provide extrabudgetary resources for this purpose, in accordance with the rules and procedures of the United Nations.

**Resolution 23/3**

## Strengthening the development and implementation of the goAML[93] system as a useful tool in implementing the United Nations crime prevention and criminal justice programme

*The Commission on Crime Prevention and Criminal Justice*,

*Reaffirming* relevant resolutions adopted by the General Assembly and the Economic and Social Council relating to the need to strengthen international cooperation, including technical cooperation, in the field of crime prevention and criminal justice aimed at effectively combating money-laundering, the financing of terrorism, corruption and transnational organized crime,

*Recalling* General Assembly resolution 66/177 of 19 December 2011, on strengthening international cooperation in combating the harmful effects of illicit

[93] The goAML system, a standard software system available for financial intelligence units, is a product of the Information and Technology Service of the United Nations Office on Drugs and Crime, developed within the framework of the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism.

financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[94] the United Nations Convention against Transnational Organized Crime[95] and the United Nations Convention against Corruption[96] to apply fully the provisions of those conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime,

*Concerned* that money-laundering, the financing of terrorism, corruption and transnational organized crime constitute global challenges that require an effective global response through international cooperation among Member States and within the United Nations system,

*Commending* the United Nations Office on Drugs and Crime on the development of the goAML system as part of its efforts to support Member States, and taking note of other specialized software available to Member States to support their efforts to counter money-laundering, the financing of terrorism, corruption and transnational organized crime,

*Noting* the role of financial intelligence units in facilitating effective investigations, including through the exchange of relevant information in a secure and efficient manner, in accordance with national legislation and existing legal frameworks, both at the national level and between countries and relevant entities, at the bilateral, regional and international levels, and the increasing use of and reliance on technology to process, utilize and exchange such information,

*Acknowledging* the positive results achieved so far by Member States through the use of goAML and other specialized financial intelligence software systems in combating money-laundering, the financing of terrorism, corruption and transnational organized crime,

*Noting* the recommendation made to the United Nations Office on Drugs and Crime by the Office's Independent Evaluation Unit in its 2011 review of the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, to continue to promote its various valuable products, including the goAML software,

1. *Encourages* Member States to continue to strengthen their efforts to combat money-laundering, the financing of terrorism, corruption and transnational organized crime through, inter alia, effective implementation of financial intelligence tools such as goAML, as well as other specialized financial intelligence software systems, as appropriate, taking into account national legislation;

2. *Encourages* Member States that have not done so to consider the identification, implementation and use of specialized financial intelligence software systems such as goAML or other software systems, on the basis of their national needs;

3. *Requests* the United Nations Office on Drugs and Crime to support Member States, upon their request, by continuing the development, implementation

[94] United Nations, *Treaty Series*, vol. 1582, No. 27627.
[95] Ibid., vol. 2225, No. 39574.
[96] Ibid., vol. 2349, No. 42146.

and maintenance of the goAML software within its current operational and funding modalities;

4. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit a report to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session on the progress made in the implementation of the present resolution;

5. *Invites* Member States and other donors to provide extrabudgetary resources for the implementation of the present resolution in accordance with the rules and procedures of the United Nations.

**Decision 23/1**

## Report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

At its 7th meeting, on 15 May 2014, the Commission on Crime Prevention and Criminal Justice decided to transmit the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (UNICRI) on the major activities of UNICRI (E/CN.15/2014/18) to the Economic and Social Council, in accordance with article IV, paragraph 3 (e), of the statute of the Institute (Economic and Social Council resolution 1989/56, annex).

# Chapter II

## Strategic management, budgetary and administrative questions

5. At its 2nd and 5th meetings, on 12 and 14 May 2014, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, which read as follows:

"Strategic management, budgetary and administrative questions:

"(a) Work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;

"(b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme;

"(c) Working methods of the Commission."

6. For its consideration of agenda item 3, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2014/2-E/CN.15/2014/2);

(b) Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2014/8-E/CN.15/2014/8);

(c) Note by the Secretary-General on the proposed strategic framework for the period 2016-2017 (E/CN.7/2014/15-E/CN.15/2014/15);

(d) Conference room paper on the proposed strategic framework for the period 2016-2017 (E/CN.15/2014/CRP.3);

(e) Conference room paper on the working methods and documentation of the Commission on Crime Prevention and Criminal Justice (E/CN.15/2013/CRP.12).

7. At the 2nd meeting, on 12 May 2014, statements of a general nature were made by the representatives of Colombia, the United Kingdom of Great Britain and Northern Ireland, Nigeria, Croatia, Saudi Arabia and South Africa, as well as by the observers for the State of Palestine (on behalf of the Group of Arab States), the Netherlands, France, India, Iraq, Ecuador, Venezuela (Bolivarian Republic of), Viet Nam and the Sudan.

8. Introductory statements were made by the Director of the Division for Policy Analysis and Public Affairs, the Director of the Division for Management and the Chief of the Secretariat to the Governing Bodies of the United Nations Office on Drugs and Crime (UNODC). The representative of Spain, in his capacity as co-chair of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime, made an introductory statement.

9. Under agenda item 3, statements were made by the representatives of Brazil, Thailand, Japan, Norway, the United States of America, Cuba and the Republic of Korea. Statements were also made by the observers for Sri Lanka (on behalf of the Group of 77 and China), Nicaragua (on behalf of the Group of Latin American and Caribbean States), Sweden, Finland and Canada. A statement was made by the observer for the International Anti-Corruption Academy.

## Deliberations

10. Several speakers expressed appreciation for the continuing work of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC and its important role as a forum for constructive dialogue, and welcomed the extension of its mandate. Some speakers stated that the working group should become a permanent consultative body of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs.

11. On budgetary matters, speakers stressed the importance of UNODC being guided by Commission on Crime Prevention and Criminal Justice resolution 22/9 and the need for the Commission to assess the effectiveness and further feasibility of the new funding model prior to the biennium 2016-2017.

12. Several speakers noted the need for continued constructive dialogue between Member States and the Secretariat for the transparent, consistent and effective implementation of full cost recovery. It was recalled that the simultaneous increase in special-purpose funding and decrease in general-purpose funding was unsustainable and threatened the long-term effective delivery of the Office's programmes. One speaker maintained that full cost recovery did not generate new costs, but rather presented existing costs in a different way. One delegation expressed the opinion that a case could be made for using programme support cost funds for some field office expenses.

13. Several speakers requested UNODC to continue being guided by the principles of transparency, accountability and consistency. Some speakers expressed their appreciation for the fact that the transition towards full cost recovery was enabling an informed discussion on the actual costs and cost-effectiveness of programmes, projects and other activities. It was noted that cost discipline, rationalization and accountability should be exercised at both headquarters and field offices. It was also noted that the need for cost efficiencies was particularly important with regard to keeping UNODC projects competitive.

14. Some speakers indicated that full cost recovery should not be applied retroactively to existing projects with agreed financial frameworks. The Secretariat was requested to continue to brief Member States on the implementation of full cost recovery and on challenges and lessons learned. Some speakers also requested detailed information on the use of programme support funds. In that context, one delegation quoted from a report of the Executive Director (E/CN.7/2008/14-E/CN.15/2008/19) and suggested the issue of deviation from the 13 per cent standard programme support charge rate could be revisited. The Secretariat was further requested to provide information on the geographical distribution and gender balance of UNODC staff at headquarters, as well as in regional and country offices.

15. On behalf of a group of Member States, a speaker highlighted the provisional character of the UNODC budget for 2014-2015 and underscored the need to further discuss the trial new funding model at the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice in December.

16. It was noted that the Commission on Crime Prevention and Criminal Justice should be clearly recognized as the policy body responsible for the United Nations crime prevention and criminal justice programme and that the United Nations congress on crime prevention and criminal justice was not a decision-making or governing body, but rather a consultative body and a forum for the exchange of information and experiences, which should be reflected in the strategic framework for 2016-2017. One speaker noted the need for better prioritization among the objectives in the draft strategic framework, as well as for improved coordination and cooperation with other United Nations agencies. Several speakers stressed the importance of the application and continued improvement of results-based planning and management and programme-level outcome reporting; some speakers mentioned that such reporting should be a fully financed core activity.

17. It was noted that human rights and gender were important cross-cutting issues for the Office, and several speakers stressed the need to implement the Secretary-General's human rights due diligence policy, as well as the UNODC guidance note on human rights. Some speakers noted the need to continue increasing the inclusion of civil society in the work of UNODC.

18. One speaker welcomed the focus on the rule of law and sustainable development as part of the post-2015 development agenda and stated that funds would be allocated for developing indicators relating to the rule of law, justice and security.

19. The need for a continued focus by UNODC on the provision of technical assistance and capacity-building, including to developing countries, was emphasized. Many speakers commended UNODC on its provision of normative and technical assistance. Some speakers stressed that core activities of UNODC, including planning and reporting, should be funded by the regular budget to ensure the predictability and sustainability of the resources required to fulfil its mandates.

20. Satisfaction was expressed with the progress made in improving the methods of work of the Commission, as well as with the efforts undertaken by the Secretariat to make relevant documentation available and to update existing background information. The continued need to assess and streamline the documentation prepared for the Commission was noted. The importance of ensuring the availability of documentation in the official languages of the United Nations was mentioned, as was the need to consider further consolidation of reporting obligations.

21. As far as the strategic framework for the biennium 2016-2017 was concerned, the Commission decided to follow the same approach as the one agreed upon by the Commission on Narcotic Drugs at its fifty-seventh session, in March 2014, and to transmit the comments received from Member States together with the proposed strategic framework for the biennium 2016-2017 to the Committee for Programme and Coordination for its consideration at its fifty-fourth session, in June 2014.

# Chapter III

## Thematic discussion on international cooperation in criminal matters

22. At its 3rd, 4th and 5th meetings, on 13 and 14 May 2014, the Commission considered agenda item 4, entitled "Thematic discussion on international cooperation in criminal matters". The discussion focused on the following topics:

(a) Specific modalities of international cooperation in criminal matters:

(i) Extradition and mutual legal assistance;

(ii) International cooperation for the purposes of confiscation;

(iii) Use of other forms of international cooperation in criminal matters;

(b) How to manage international cooperation in multiple legal proceedings in which the same individual is involved;

(c) Implementing international instruments containing provisions on international cooperation in criminal matters;

(d) Learning from experiences at the regional level;

(e) International cooperation in combating new and emerging forms of crime;

(f) Provision of technical assistance;

(g) Addressing the gaps — the way forward.

23. For its consideration of agenda item 4, the Commission had before it a note by the Secretariat containing the discussion guide for the thematic discussion on international cooperation in criminal matters (E/CN.15/2014/12).

24. In accordance with the decision of the Commission at its reconvened twenty-second session, in December 2013, all of the topics were discussed at both the morning and afternoon meetings on 13 May. At the morning meeting, participants focused on taking stock of lessons learned and challenges faced, while at the afternoon meeting, participants discussed further action to address challenges faced, bearing in mind paragraph 21 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, which was referenced in Economic and Social Council decision 2010/243, in which the Council decided on the prominent theme for the session.

25. The thematic discussion on item 4 was presided over by the Chair and led by the following panellists: Adel Ahmed Fahmy (Egypt), Mohammad Hossein Ghaniei (Islamic Republic of Iran), Vladimir Zimin (Russian Federation), Sabas Chahuán Sarrás (Chile), Janet Henchey (Canada), Victor Mule (Kenya), Liu Yang (China), Sergey Borodulin (Russian Federation), José Merino Madrid (Mexico) and Lieve Pellens (Belgium).

26. The Chair made an introductory statement. An introductory statement was also made by the Chief of the Conference Support Section of the Organized Crime and

Illicit Trafficking Branch of the Division of Treaty Affairs of UNODC. Statements were made by the representatives of Croatia, Algeria, Germany, Japan, the Republic of Korea, Thailand, China, Indonesia, Norway, Kenya, Brazil, Uruguay, the United States, Colombia, Austria and South Africa. The observers for Morocco (on behalf of the Group of African States), Costa Rica, Liechtenstein, Venezuela (Bolivarian Republic of), Trinidad and Tobago, Romania, Azerbaijan, Yemen, Georgia, Australia, Burkina Faso and Slovenia also made statements. The observers for the World Health Organization and the Korean Institute of Criminology made statements. The observers for Amnesty International and the International Sociological Association also made statements.

## A. Summary by the Chair

27. The Chair's summary of the salient points, which was not subject to negotiation, is presented below.

28. The globalization of criminal activity, including through offences that engaged multiple jurisdictions, had created a need for strengthened forms and models of international cooperation. Further challenges included impunity, differences in national legislation and legal systems, the lack of bilateral treaties where required by national law, the large amount of time often needed to respond to judicial cooperation requests, the high volume of requests, language barriers, varying levels of evidentiary requirements, the impact of the strict application of grounds for refusal, and the relationship of extradition requests to claims for refugee status.

29. It was noted that existing treaties and mechanisms should be used, that the international cooperation provisions of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption provided well-balanced and stable multilateral bases for international judicial cooperation, and that their application should be further strengthened. The need to improve the implementation of those Conventions at the national level was highlighted.

30. Many speakers emphasized the value of regional legal instruments. Some speakers referred to strengthening legal frameworks, including through examining the possibility of creating global instruments on international judicial cooperation in criminal matters, as well as on cybercrime; other speakers disagreed. Some speakers discussed the initiative on a multilateral treaty for mutual legal assistance and extradition in domestic prosecution of the most serious international crimes. Diverging views were expressed as to whether international cooperation in criminal matters relating to genocide, crimes against humanity and war crimes was within the mandate of the Commission.

31. In addition to the use of treaties, some speakers reported the possibility of and the need for cooperation on the basis of the principle of reciprocity.

32. In addition to extradition and mutual legal assistance, the utility of other forms of cooperation, including execution of foreign sentences, transfer of sentenced persons, temporary surrender and joint investigations, was highlighted. Some of those forms of cooperation provided options in cases in which States did not extradite their own nationals. The importance of the application of the *aut dedere*

*aut judicare* principle was stressed. All forms of international cooperation were considered to require mutual understanding and trust, and it was suggested that they should be applied in a flexible and innovative manner.

33. A number of practical steps could be taken to strengthen the effectiveness of international cooperation, including the use of consultations prior to formal requests, the use of videoconferencing, the establishment of a strong role for central authorities and direct communication among them, the use of electronic means for transmission of requests, the provision of information on national laws and requirements, the involvement of liaison officers and the establishment of policies on *de minimis* requests. The importance of technical assistance and capacity-building for central authorities and prosecutors, including on new and emerging forms of crime, was emphasized. The efficacy of regional and subregional cooperation platforms and of networks of prosecutors was highlighted. Such coordination arrangements could be especially valuable in resolving multijurisdictional cases and multiple legal proceedings involving the same individual. The importance of coordination among relevant authorities at the national level was also noted.

34. The need for effective international cooperation pertaining to requests relating to cybercrime and digital evidence, as well as in cases of money-laundering and for the confiscation of criminal assets, was emphasized. The extension of international cooperation to civil and administrative proceedings relating to the offence in question was suggested. A number of speakers referred to the need to respect international human rights standards and the rule of law in international cooperation processes.

35. Some speakers urged those Member States which had not yet done so to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products, and expressed support for cooperation between UNODC and the secretariat of the World Health Organization Framework Convention on Tobacco Control.

## B. Workshop on international cooperation in criminal matters

36. The first meeting of the Committee of the Whole, on 12 May 2014, was devoted to a workshop on the theme "International cooperation in criminal matters: current gaps and perspectives of international, regional and national legislation", organized by the institutes of the United Nations crime prevention and criminal justice programme network. The workshop was chaired by the First Vice-Chair of the Commission and moderated by the Director of Programmes of the International Institute of Higher Studies in Criminal Sciences, affiliated with the United Nations, a member of the United Nations crime prevention and criminal justice programme network.

37. An opening statement was made by a representative of the Secretariat. Presentations were made by panellists from the International Institute of Higher Studies in Criminal Sciences (Italy), the International Association of Prosecutors (Netherlands), the Basel Institute on Governance (Switzerland) and the Korean Institute of Criminology (Republic of Korea). During the discussion, statements were made by the representatives of the United States and Saudi Arabia. A closing statement was made by the First Vice-Chair of the Commission.

# Chapter IV

## Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

38. At its 5th, 6th and 7th meetings, on 14 and 15 May 2014, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, which read as follows:

> "Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice:
>
> "(a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
>
> "(b) Ratification and implementation of the United Nations Convention against Corruption;
>
> "(c) Ratification and implementation of the international instruments to prevent and combat terrorism;
>
> "(d) Other crime prevention and criminal justice matters;
>
> "(e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies."

39. For its consideration of item 5, the Commission had before it the following documents:

(a) Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption (E/CN.15/2014/3);

(b) Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism (E/CN.15/2014/4);

(c) Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network (E/CN.15/2014/13);

(d) Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2014/18);

(e) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2014/18/Add.1).

40. Introductory statements were made by the Chief of the Conference Support Section of the Organized Crime and Illicit Trafficking Branch, the Chief of the Corruption and Economic Crime Branch and the Director of the Division for Treaty Affairs.

41. Statements were made by the representatives of Colombia, Belarus, Algeria, Thailand, Indonesia, Switzerland, China, Norway, Mexico, Brazil, the Republic of Korea, the United States, Croatia and Nigeria. The observers for Greece (on behalf of the European Union and Albania, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), the Dominican Republic, Afghanistan, Romania, Canada, Azerbaijan, Egypt, Morocco, Kazakhstan, Armenia and Ecuador also made statements. The observer for the Sovereign Military Order of Malta also made a statement. Statements were also made by the observers for the International Organization for Migration and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (on behalf of the institutes of the United Nations crime prevention and criminal justice programme network), the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

## A. Deliberations

### 1. Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

#### Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

42. Discussions under agenda item 5 (a) addressed the importance of universal ratification and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto in order to eliminate safe havens for criminals. In that regard, many speakers expressed appreciation for the technical assistance provided and tools developed by UNODC.

43. Several speakers discussed the challenges posed by, and the need to further analyse and address, the various forms of transnational organized crime, including its new manifestations such as cybercrime, counterfeiting of consumer products, trafficking in cultural property, trafficking in fraudulent medicines and wildlife and forest crime, as well as illegal mining. In order to cover such diverse and emerging forms of organized crime, many speakers emphasized the need to adopt comprehensive strategies. The link between organized crime and terrorism was also mentioned.

44. Several speakers noted that the potential of the Organized Crime Convention was yet to be fully utilized and that there was a need to assess and monitor its implementation. In that context, several speakers expressed the hope that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would make progress at its seventh session in developing a mechanism to review the implementation of the Convention and the Protocols thereto. Some speakers noted that the issues of civil society participation and funding for the mechanism still remained to be addressed.

## 2. Ratification and implementation of the United Nations Convention against Corruption

### Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption

45. With regard to the Convention against Corruption, several speakers noted that corruption was an obstacle to development and the achievement of the Millennium Development Goals. Many speakers emphasized that the Convention was an effective and comprehensive tool for combating corruption. Speakers highlighted their positive experiences with the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and welcomed upcoming discussions on ensuring the effectiveness, transparency and cost-efficiency of the Mechanism, while ensuring respect for sovereignty and, in the view of some speakers, its intergovernmental character.

46. Speakers reported on efforts to implement the Convention, including the adoption and implementation of new legislation, national strategies and action plans, as well as the establishment of specialized agencies and the promotion of institutional coordination. Several speakers highlighted the importance of effective international cooperation and asset recovery.

## 3. Ratification and implementation of the international instruments to prevent and combat terrorism

47. Several speakers expressed appreciation for the work of the Terrorism Prevention Branch of UNODC and encouraged UNODC to continue providing technical assistance in capacity-building to Member States that was aimed at strengthening national criminal justice systems to prevent and counter terrorism.

48. A number of speakers stressed the need for enhanced provision of technical assistance in thematic areas such as the financing of terrorism, the use of the Internet for terrorist purposes and transport-related terrorist offences, as well as in international cooperation and assistance for victims of terrorism. Support was expressed for UNODC to continue strengthening cooperation with entities participating in the Counter-Terrorism Implementation Task Force. Donor countries were called upon to increase their financial contributions to UNODC.

## 4. Other crime prevention and criminal justice matters

49. Speakers highlighted the necessity of strengthening national institutions and initiatives to combat transnational organized crime, including trafficking in persons and the smuggling of migrants, as well as terrorism. Reference was made to the valuable contributions of civil society organizations and academia to preventing crime and strengthening national criminal justice systems.

50. One speaker expressed appreciation for the technical assistance provided by UNODC in countering piracy and encouraged UNODC to continue its efforts and coordination with relevant actors such as the International Maritime Organization and the Contact Group on Piracy off the Coast of Somalia.

### 5. Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies

51. The important contribution of the institutes comprising the United Nations crime prevention and criminal justice programme network and its collaborative contributions to the workshop on international cooperation in criminal matters, as well as to the work of UNODC, were emphasized.

52. The importance of criminal justice research conducted by the institutes in improving the understanding of global trends and the operation of criminal justice systems worldwide was noted.

53. Appreciation was expressed for the education, training and technical assistance programmes carried out by the institutes, which contributed to the improvement of national criminal justice practices and supported the application of United Nations standards and norms in crime prevention and criminal justice. The involvement of the institutes in the development of the agenda for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice was welcomed.

## B. Action taken by the Commission

54. At its 7th meeting, on 15 May, the Commission decided to transmit to the Economic and Social Council the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2014/18), which had been prepared pursuant to a decision of the Board of Trustees of the Institute taken at its meeting on 22 October 2013, in order to report to the Council, through the Commission, in accordance with article IV, paragraph 3 (e) of the statute of the Institute (Economic and Social Council resolution 1989/56, annex).

55. At the same meeting, the Commission unanimously recommended that Stuart Page (Australia) be reappointed and that Carlos Castresana (Spain), Mohammed Hanzab (Qatar) and Joel Antonio Hernández García (Mexico) be appointed to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. (For the text, see chap. I, section C, draft decision II.)

56. At its 10th meeting, on 16 May 2014, the Commission adopted a revised draft resolution (E/CN.15/2014/L.8/Rev.1) sponsored by Belarus, El Salvador, Iran (Islamic Republic of), the Russian Federation, Saudi Arabia, the Sudan, the United States and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. D, resolution 23/2.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the adoption of the revised draft resolution, the representative of Belarus expressed his appreciation for the constructive approach and flexibility of the delegations that had participated in the negotiations of the resolution.

57. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.10/Rev.2) sponsored by Algeria, Costa Rica, Egypt,

El Salvador, Ghana, Guatemala, Iraq, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Nigeria, Oman, Qatar, the Russian Federation, Saudi Arabia, South Africa, Sri Lanka, the Sudan, Thailand, Tunisia, Turkey, the United Arab Emirates, the United States, Venezuela (Bolivarian Republic of) and Yemen. (For the text, see chap. I, sect. A, draft resolution III.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the revised draft resolution, the representative of Saudi Arabia thanked delegations and noted that adoption of the resolution would testify to the awareness and commitment of States with regard to combating crime, upholding the rule of law, enhancing international cooperation and rising to the challenges posed by transnational organized crime. He thanked the co-sponsors and other delegations for their valued support, input and active participation. The observer for Yemen stated that the resolution dealt with the important and complex issue of mutual legal assistance between States and that it constituted a sound platform for covering broader issues related to international cooperation and mutual legal assistance, extradition of criminals and related matters.

58. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.6/Rev.1) sponsored by Andorra, Belarus, Guatemala, Indonesia, Japan, Mexico and Thailand. (For the text, see chap. I, sect. A, draft resolution V.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the draft revised resolution, in her explanation of position, the representative of the United States stated that, the term "right to development" had not enjoyed consensus in the bodies competent to speak on that issue, reiterated the well-known position of her Government in that regard and noted that the determination of whether such a right was acknowledged by Member States was not within the competence of the Commission.

59. At the same meeting, the draft resolution E/CN.15/2014/L.5 was withdrawn by Argentina. Upon the withdrawal of the draft resolution, the representative of Argentina noted that judicial cooperation was the cornerstone of international crime prevention and criminal justice, that a multilateral legal framework and instruments such as the Organized Crime Convention and the Convention against Corruption were important in that regard and were valuable tools that needed to be strengthened further, and that some crimes, such as theft, could also be characterized as transnational organized crimes. The representative also stated, that, although it had not been possible to achieve full approval of the resolution, Argentina would continue to work on the matter. The observer for Chile expressed regret that the resolution could not be approved and noted that it was a valuable document, as it defined the importance of international cooperation in preventing international crimes and addressed certain gaps and lacunae that existed in terms of legal cooperation and mutual legal assistance.

60. At the same meeting, the representative of Austria announced that draft resolution E/CN.15/2014/L.11 had been withdrawn by its sponsors. Upon the withdrawal of the draft resolution, in her explanation of position, the representative

of Austria expressed her appreciation to delegations for their constructive participation in the negotiation process of the resolution. She stated that Austria had listened carefully to the views expressed by delegations and tried, in the spirit of compromise, to incorporate many of the proposals brought forward. The representative noted that the sponsors were of the view that there was consensus that impunity constituted one of the main challenges to the protection of journalists, that there appeared to be agreement that the Commission could make an important contribution to strengthening criminal justice institutions to enhance accountability for crimes committed against journalists, and that, despite the good progress made and owing to lack of time and persistently diverging views among delegations on some key concepts and terms used in the draft resolution, a decision had been taken not to pursue the resolution further at the current session of the Commission. She also stated that effectively combating crimes against journalists remained an issue that was highly relevant for the Commission, and expressed confidence that delegations would support the continued efforts of Austria in the Commission in that regard. The representative of the United States and the observers for Canada, France and Chile expressed regret that no consensus had been reached on the resolution and noted that the Commission should continue addressing the issue in the future. The representative of the United States stated that strengthening the criminal justice response to crimes against journalists was important from the perspective of both criminal justice and crime prevention and that reporting by journalists was important for States and the public in taking effective action against organized crime.

61. At the same meeting, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2014/L.2/Rev.1) sponsored by Austria, Argentina, Australia, El Salvador, Greece, Indonesia, Italy, Malta, Mexico, Portugal, Spain, Turkey, the United States and Uruguay. (For the text, see chap. I, sect. B, draft resolution III.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the approval of the revised draft resolution, the representative of Italy stated that this was the first time that the Commission had approved a resolution on the smuggling of migrants and that this provided the opportunity to promote a significant debate on that very sensitive issue, also within the Commission. He stated that the main objective of the resolution was to strengthen international cooperation in combating the smuggling of migrants, which was an area in which multilateralism could make a concrete difference.

# Chapter V

## Use and application of United Nations standards and norms in crime prevention and criminal justice

62. At its 7th and 8th meetings, on 15 May 2014, the Commission considered agenda item 6, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". For its consideration of the item, the Commission had before it the following:

(a) Report of the Secretary-General on use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2014/11);

(b) Report of the Secretary-General on the outcome of the meeting of the open-ended intergovernmental expert group on the development of a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice (E/CN.15/2014/14);

(c) Note by the Secretariat on the report of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners at its third meeting (E/CN.15/2014/19 and Corr.1).

63. The Special Representative of the Secretary-General on Violence against Children made a statement. The Director of the Division for Operations of UNODC made an introductory statement. Statements were made by the representatives of Germany, Thailand, Switzerland, China, Norway, the Republic of Korea and the United States. Statements were also made by the observers for the Dominican Republic, Qatar, Canada, Venezuela (Bolivarian Republic of), Ecuador and Trinidad and Tobago.

### A. Deliberations

64. Speakers stressed the crucial role of the United Nations standards and norms in crime prevention and criminal justice as a basis for national reform initiatives and increased international technical assistance. Several speakers informed the Commission about recent crime prevention and criminal justice reform initiatives undertaken in their countries, in many cases with the support and assistance of UNODC. Reference was made to recent developments concerning standards and norms relating to the treatment of prisoners, juvenile justice, violence against women and legal aid.

65. The continued importance of the Standard Minimum Rules for the Treatment of Prisoners as the main international reference for prison systems worldwide was underlined. Speakers welcomed the progress made by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners and supported the extension of its mandate. It was stressed that any amendments to the Rules should not lower current standards. Some speakers stressed the importance of allocating adequate resources to implement the existing Rules and emphasized that the revision of the Rules should be conducted in an efficient and expeditious manner while ensuring their quality. The importance of

drawing on relevant expertise of Member States, the United Nations and civil society was considered crucial to ensure a balanced approach.

66. Speakers highlighted the need for tailored approaches to address violence against children and welcomed the elaboration of the draft model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, calling for their approval by the Commission and transmission to the General Assembly for adoption.

67. Speakers highlighted the importance of tailored approaches for youth and the potential of social policies with regard to effective crime prevention strategies and programmes. One speaker proposed the establishment of an intergovernmental expert group to examine standards for youth involvement in crime prevention and criminal justice reform.

## B. Action taken by the Commission

68. At its 10th meeting, on 16 May 2014, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.9/Rev.1) sponsored by Argentina, Austria, Brazil, Burkina Faso, Chile, Croatia, the Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Guatemala, Indonesia, Italy, Japan, Mexico, Nicaragua, Norway, Poland, South Africa, Switzerland, Spain, Thailand, Turkey, the United States, Uruguay and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. A, draft resolution II.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.)

69. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.12/Rev.1) sponsored by Andorra, Canada, Chile, Ecuador, El Salvador, Greece (on behalf of the European Union), Indonesia, Japan, Liechtenstein, Mexico, Namibia, Norway, the Sudan, Switzerland, Thailand, the United States and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. A, draft resolution IV.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the draft revised resolution, the representatives of the United States and Japan and the observer for Canada expressed their appreciation to Princess Bajrakitiyabha Mahidol and the Government of Thailand for their efforts in the course of the negotiations of the resolution. The observer for Canada also noted that the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice would be useful for practitioners and all the participants in criminal justice systems.

70. Also at the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution (E/CN.15/2014/L.13/Rev.2) sponsored by Brazil, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Thailand, Uruguay and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. B, draft resolution I.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial

statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the draft revised resolution, the representative of Mexico expressed his gratitude to all the delegations that had participated in the consultations and negotiations relating to the resolution.

71. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2014/L.15/Rev.1) sponsored by Austria, Finland, France, Morocco (on behalf of the Group of African States), the Netherlands and Uruguay. (For the text, see chap. I, sect. D, resolution 23/3.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the adoption of the revised draft resolution, the representative of South Africa (on behalf of the Group of African States) expressed the appreciation of his delegation to all other delegations for their contributions to the deliberations on the resolution, which held particular importance for the Group of African States.

# Chapter VI

## World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

72. At its 8th meeting, on 15 May 2014, the Commission considered agenda item 7, which read "World crime trends and emerging issues and responses in the field of crime prevention and criminal justice".

73. For its consideration of item 7, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2014/2-E/CN.15/2014/2);

(b) Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice (E/CN.15/2014/5);

(c) Report of the Secretary-General on prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children (E/CN.15/2014/7);

(d) Report of the Secretary-General on improving the quality and availability of statistics on crime and criminal justice for policy development (E/CN.15/2014/10);

(e) Note by the Secretariat transmitting the guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences (E/CN.15/2014/16);

(f) Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2014/17);

(g) Conference room paper on a study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children (E/CN.15/2014/CRP.1).

74. Introductory statements were made by the Chief of the Research and Trend Analysis Branch, the Chief of the Organized Crime and Illicit Trafficking Branch and a representative of the Corruption and Economic Crime Branch. Statements were made by the representatives of Algeria, Mexico, Thailand, Cuba, Indonesia, China, the Republic of Korea, Brazil, Norway, Japan and the United States. Statements were also made by the observers for the Dominican Republic, Australia, Canada, Trinidad and Tobago, Egypt, Venezuela (Bolivarian Republic of) and Ecuador.

### A. Deliberations

75. Several speakers stressed the essential role of reliable data and analysis on crime, including through administrative data and victimization surveys, as a central pillar for the development of effective policies against crime. Appreciation was expressed for the work of UNODC in the dissemination of global crime data, and the usefulness of information sharing for analysing overall trends was stressed.

Some speakers encouraged other States to support the efforts of UNODC in improving the quality and availability of crime and criminal justice statistics, including through the annual crime trends survey and the development of the international classification of crime for statistical purposes.

76. Some speakers emphasized the need for concerted international responses to trafficking in cultural property, including the exchange of information and the strengthening of effective transnational criminal investigations and prosecutions. Several speakers welcomed the finalization of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences by the expert group on protection against trafficking in cultural property and expressed support for their adoption. The relevance of the implementation of the Guidelines at the national level was underlined, and their potential utility for technical assistance purposes was highlighted. Some speakers emphasized the importance of the work of UNODC in that area, as well as of continued collaboration with other relevant intergovernmental organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Criminal Police Organization (INTERPOL).

77. Speakers highlighted the growth of modern technologies and referred to the challenges posed by various forms of cybercrime, including online financial crime, illegal access to computer systems, cyberbullying and the online sexual exploitation of children. Many speakers highlighted the need for effective prevention, including through special attention to the online safety of children and strengthened international cooperation to address such crimes, awareness-raising, multi-stakeholder approaches and capacity-building. Several speakers reported on national legal frameworks, strategies and approaches in the area of cybercrime and cybersecurity. A number of speakers welcomed the UNODC Global Programme on Cybercrime, as well as the study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children, prepared by the Secretariat. Some speakers highlighted the lack of an international legal framework on cybercrime. Other speakers noted the existence of diverse views on that subject. Some speakers also encouraged the Expert Group to Conduct a Comprehensive Study on Cybercrime to continue its work towards fulfilling its mandate.

78. The report of the Secretariat on economic fraud and identity-related crime was welcomed, and the Secretariat was commended for what had been accomplished with the limited resources available. The importance of identity management as a global security issue was further highlighted, as was the fact that robust identity systems were fundamental to the prevention and investigation of every other type of crime. Reference was made to the adoption of laws for the criminalization of cybercrime and crimes related to financial transactions, including identity theft and fraud.

79. A number of speakers referred to the challenges posed by emerging forms of environmental crime. It was noted that international cooperation was imperative in addressing organized crime, including its new and emerging forms. Some speakers noted that the United Nations Convention against Transnational Organized Crime should be fully utilized in that context.

## B. Action taken by the Commission

80. At its 10th meeting, on 16 May 2014, the Commission adopted a revised draft resolution (E/CN.15/2014/L.4/Rev.1) sponsored by Austria, Canada, Chile, France, Indonesia, Israel, Italy, Japan, Norway, Peru, the Russian Federation, Turkey and the United States. (For the text, see chap. I, sect. D, resolution 23/1.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the adoption of the revised draft resolution, the representative of Norway thanked all delegations for their flexibility and contributions with regard to the resolution and noted that Member States were now better placed to take action against the multibillion-dollar industry of illicit trafficking in forest products, including timber.

81. At the same meeting, on 16 May 2014, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.3/Rev.1) sponsored by Austria, Croatia, Greece, Italy, Mexico, Sri Lanka (on behalf of the Group of 77 and China), Switzerland and Turkey. (For the text, see chap. I, sect. A, draft resolution VI.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the revised draft resolution, the representatives of Italy and Peru noted that the resolution was an important landmark in addressing trafficking in cultural property. The representative of Italy stated that cultural heritage was a notion closely related to history, tradition, culture and the identity of peoples and human beings.

# Chapter VII

## Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

82. At its 7th and 9th meetings, on 15 and 16 May 2014, the Commission considered agenda item 8, entitled "Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice".

83. For its consideration of the item, the Commission had before it the following:

(a) Report of the Secretary-General on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2014/6);

(b) Note by the Secretariat on the rules of procedure for United Nations congresses on crime prevention and criminal justice (E/CN.15/2014/9);

(c) Discussion guide for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/PM.1);

(d) Report of the Asia and Pacific Regional Preparatory Meeting for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/RPM.1/1);

(e) Report of the Western Asian Regional Preparatory Meeting for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/RPM.2/1);

(f) Report of the Latin American and Caribbean Regional Preparatory Meeting for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/RPM.3/1);

(g) Report of the African Regional Preparatory Meeting for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/RPM.4/1).

84. An introductory statement was made by the Chief of the Corruption and Economic Crime Branch of UNODC. Statements were made by the representatives of Argentina, Algeria, Brazil, Thailand, Germany, Indonesia, the United States, Switzerland, China and Norway.

85. The observers for Qatar, Finland, Canada and Trinidad and Tobago also made statements. The delegation of Qatar made an audiovisual presentation. A statement was made by the observer for the Academic Council on the United Nations System.

## A. Deliberations

86. The representative of Qatar, the host country of the Thirteenth Congress, made a presentation on the state of progress of preparatory actions relating to the Congress. Many speakers noted that the Thirteenth Congress would take place on the threshold of the United Nations work on the post-2015 development agenda and acknowledged that the Congress would therefore offer a unique opportunity to place the role of the criminal justice system in the promotion of the rule of law, and in support of sustainable development, at the centre of international debate.

87. Some speakers welcomed the advanced stage of preparations for the Thirteenth Congress, including the early release of the discussion guide and the successful organization and outcomes of the four regional preparatory meetings.

88. Several speakers discussed the forthcoming consultations for the elaboration of a draft declaration in advance of the Congress. The need to ensure the inclusive nature of the consultations was highlighted by some speakers, as was the need to engage other organizations and entities at an early stage. Reference was made to the form of the draft declaration, noting that its first part could be elaborated in advance and the outstanding parts during the Congress, in order to take into account the results of the discussions on the substantive items of the agenda and the topics of the workshops.

89. A number of speakers made reference to the youth forum to be organized from 7 to 9 April 2015 by the Qatar Foundation and the Ministry of Interior of Qatar.

90. The Congress was encouraged to set a reasonable time limit for the speakers, in line with its rules of procedure, in order to allow all delegations to express their views.

## B. Action taken by the Commission

91. At its 10th meeting, on 16 May 2014, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly (E/CN.15/2014/L.7/Rev.1) sponsored by Canada, Finland, Japan, Mexico and Sri Lanka (on behalf of the Group of 77 and China) (For the text, see chap. I, sect. A, draft resolution I.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.) Following the recommendation of the revised draft resolution, the observer for Qatar informed the Commission that all the substantive and logistical preparations for the session were advancing and that Qatar had decided to host an international experts meeting in Doha in September 2014. The observer noted that the Government of Qatar, in close coordination with UNODC, would send letters of invitation to the five regional groups, with a request to nominate governmental experts representing five States from each region to participate in that meeting. With a view to facilitating the deliberations and the outcome of the Thirteenth Congress, the experts were expected to submit recommendations on its main theme, as well as to propose elements for the draft declaration to be adopted by the Congress. The representative of Mexico highlighted the offer by Qatar to host the group of experts as an important step in facilitating the proceedings of the Thirteenth Congress. The

observer for Yemen commended the continued efforts undertaken by Qatar in its support for the participation of least developed countries in the Thirteenth Congress.

92. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution (E/CN.15/2014/L.14/Rev.1) sponsored by Argentina, El Salvador, Finland, Guatemala, Indonesia, Japan, Kenya, Mexico, Qatar, the Sudan and Thailand. (For the text, see chap. I, sect. B, draft resolution II.) Prior to the recommendation of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2014/CRP.6, available on the UNODC website.)

# Chapter VIII

## Provisional agenda for the twenty-fourth session of the Commission

93. At its 9th meeting, on 16 May 2014, the Commission considered agenda item 9, entitled "Provisional agenda for the twenty-fourth session of the Commission".

94. The representative of the United States made a statement. Statements were also made by the observers for Canada and Finland.

### A. Deliberations

95. A number of speakers noted that the Commission should continue improving its methods of work, especially as they pertained to the consideration of draft resolutions. In that connection, the importance of the principle of multilingualism was emphasized.

96. A proposal was made to discuss the matter further at the twenty-fourth session of the Commission under item 3 (c) of its provisional agenda for that session. It was agreed that the Secretariat would seek the views of Member States on ways to improve the consideration of draft resolutions by the Commission and would make the information received available to the Commission at its next session. It was noted that, subject to the number of replies received, the information would be presented either in the form of an oral report or in a conference room paper and that this request would be implemented within existing resources.

### B. Action taken by the Commission

97. At its 9th meeting, on 16 May 2014, the Commission recommended to the Economic and Social Council the adoption of a draft decision (E/CN.15/2014/L.16). (For the text, see chap. I, sect. C, draft decision I.)

# Chapter IX

## Other business

98. At its 9th meeting, on 16 May 2014, the Commission considered agenda item 10, entitled "Other business". No issues were raised under the agenda item.

# Chapter X

## Adoption of the report of the Commission on its twenty-third session

99. At its 10th meeting, on 16 May 2014, the Commission adopted by consensus the report on its twenty-third session (E/CN.15/2014/L.1 and Add.1-5), as orally amended.

# Chapter XI

## Organization of the session

### A. Informal pre-session consultations

100. At its reconvened twenty-second session, held on 12 and 13 December 2013, the Commission agreed that the twenty-third session of the Commission would be held from 12 to 16 May 2014, with informal pre-session consultations to be held on 9 May 2014, the working day preceding the first day of the session.

101. At the informal pre-session consultations, chaired by the First Vice-Chair, Luis Alfonso de Alba (Mexico), on 9 May 2014, the Commission conducted a preliminary review of the draft resolutions that had been submitted by the deadline of 14 April 2014 and dealt with organizational matters for the twenty-third session.

### B. Opening and duration of the session

102. The Commission held the regular part of its twenty-third session in Vienna from 12 to 16 May 2014, during which time there were 10 plenary meetings and 9 meetings of the Committee of the Whole. The Chair of the Commission opened that part of the session, and participants observed a minute of silence for Clément Gorrissen and Simon Davis of UNODC, who were killed in an attack in Puntland, Somalia, on 7 April 2014. At the 1st and 2nd meetings, on 12 May 2014, opening statements were made by the Executive Director of UNODC; Sri Lanka (on behalf of the Group of 77 and China); Morocco (on behalf of the Group of African States); Iraq (on behalf of the Group of Asia-Pacific States); the Attorney-General of Nicaragua (on behalf of the Group of Latin American and Caribbean States); and Greece (on behalf of the European Union and Albania, Armenia, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine). Statements were also made by the Deputy Prime Minister of Qatar; the Minister of Justice of Italy; the Attorney-General of Nicaragua; the Special Representative of the President of the Russian Federation on International Cooperation Affairs in Combating Terrorism and Transnational Organized Crime; the Vice-Minister of Justice of China; the Vice-Minister of the Interior of Mexico; the Deputy Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State of the United States; and the Chief Prosecutor of Changwon District, Prosecutor's Office of the Ministry of Justice of the Republic of Korea.

### C. Attendance

103. The regular part of the twenty-third session was attended by representatives of 35 States members of the Commission (5 were not represented). Also attending were observers for 79 other States Members of the United Nations, as well as non-member States, representatives of entities of the United Nations system, observers for the institutes of the United Nations crime prevention and

criminal justice programme network, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and other organizations. A list of participants is contained in document E/CN.15/2014/INF/2/Rev.2.

## D. Election of officers

104. Pursuant to Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Council, the Commission, at the end of its reconvened twenty-second session, on 13 December 2013, opened its twenty-third session for the sole purpose of electing its bureau for that session. In view of the rotation of offices based on regional distribution, the officers elected for the twenty-third session of the Commission and their respective regional groups are listed below.

105. On 15 April 2014, the Group of Asia-Pacific States nominated Hu Bin of China for the office of Third Vice-Chair. The Commission elected the Third Vice-Chair during its consideration of agenda item 1.

106. The officers of the Commission at its twenty-third session were as follows:

| | | |
|---|---|---|
| *Chair* | Eastern European States | Vladimir Galuška (Czech Republic) |
| *First Vice-Chair* | Latin American and Caribbean States | Luis Alfonso de Alba (Mexico) |
| *Second Vice-Chair* | Western European and other States | Christine Stix-Hackl (Austria) |
| *Third Vice-Chair* | Asia-Pacific States | Hu Bin (China) |
| *Rapporteur* | African States | Jeannette Mwangi (Kenya) |

107. A group composed of the Chairs of the five regional groups (the observers for Iraq, Ireland, Morocco, Nicaragua and the former Yugoslav Republic of Macedonia), the observer for Sri Lanka (on behalf of the Group of 77 and China) and the observer for Greece (on behalf of the European Union) was established to assist the Chair of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended Bureau foreseen in Economic and Social Council resolution 2003/31. During the twenty-third session of the Commission, the extended Bureau met on 14, 15 and 16 May 2014 to consider matters related to the organization of work.

## E. Adoption of the agenda and organization of work

108. At its 1st meeting, on 12 May 2014, the Commission adopted the provisional agenda and proposed organization of work (E/CN.15/2014/1), which had been approved by the Economic and Social Council in its decision 2013/247.

## F. Documentation

109. The documents that were before the Commission at its twenty-third session are listed in conference room paper E/CN.15/2014/CRP.7.

## G. Closure of the current part of the session

110. At its 10th meeting, on 16 May 2014, the Commission heard closing statements by the Executive Director of UNODC and by the Chair of the Commission.

111. Closing statements were also made by the representatives of Pakistan (on behalf of the Organization of Islamic Cooperation) and Thailand, as well as by observers for Morocco (on behalf of the Group of African States), Nicaragua (on behalf of the Group of Latin American and Caribbean States), Greece (on behalf of the European Union), Iraq (on behalf of the Group of Asia-Pacific States), Oman (on behalf of the Group of Arab States) and Sri Lanka (on behalf of the Group of 77 and China).